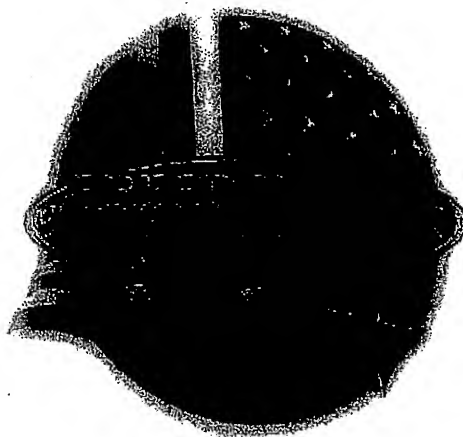


FREEDOM OF INFORMATION
AND
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub 16 (A)



FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT Julius Rosenberg

FILE NO. 65-15348
Sub "A"

VOLUME NO. 16

SERIALS 1196

thru

1307

Super [signature]

File No: 65-15348 sub A

Re: Julius Rosenberg

Date:

2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1196	6-19-53	NEWSPAPER CLIPPING FROM NEWSDAY	1	1	
1197	6-19-53	NEWSPAPER CLIPPING FROM NEWSDAY	1	1	
1198	6-25-53	NEWSPAPER CLIPPING FROM N.Y. World TELEGRAM & SUN	1	1	
1199	6-25-53	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
1200	6-25-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
1201	6-25-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
1201	6-25-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
1202	6-26-53	NEWSPAPER CLIPPING FROM N.Y. Post	1	1	
1203	6-28-53	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1204	6-29-53	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1205	6-30-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	2	2	
1206	6-29-53	NEWSPAPER CLIPPING FROM N.Y. Mirror	1	1	

*Designated to or from Bureau and/or Albuquerque, New York

File No. 65-15348

sub A

Re: Julius Rosenberg

Date

2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1207	6-27-53	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1208	6-27-53	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1209	6-30-53	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1210	7-6-53	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
1211	7-1-53	NEWSPAPER CLIPPING FROM THE HERALD STATESMAN	1	1	
1212	7-17-53	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1213	7-53	MAGAZINE CLIPPING FROM N.Y. AMERICAN LEGION MAGAZINE	9	9	
1214	7-17-53	NEWSPAPER CLIPPING FROM N.Y. TIMES	2	2	
1215	8-7-53	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1216	8-7-53	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1217	8-13-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	3	3	
1218	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1	

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VOLUME

16

NEW YORK FILES

REVIEWED BY

Spec

File No: 65-15348

SUB A

Re: Julius Rosenberg

Date:

2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		#	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
1219	6-18-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1		
1220	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	5	5		
1221	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1		
1222	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1		
1223	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1		
1224	6-19-53	NEWSPAPER CLIPPING FROM N.Y. EVENING STAR	1	1		
1225	9-11-53	NEWSPAPER CLIPPING FROM N.Y. POST	1	1		
1226	9-22-53	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	2	2		
1227	10-12-53	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1		
1228	10-12-53	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1		
1229	10-13-53	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1		
1230	10-14-53	NEWSPAPER CLIPPING FROM N.Y. POST	2	2		

*Designated to or from Bureau and/or Albuquerque, New York

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VOLUME

16

NEW YORK FILES

REVIEWED BY

Suzer / 12/78
(month/year)

File No: 65-15348

Re: Julius Rosenberg

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1231	10-13-53	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1232	10-12-53	NEWSPAPER CLIPPING FROM NEWARK STAR LEDGER	1	1	
1233	10-14-53	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1234	10-14-53	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1	
1235	10-14-53	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1236	10-15-53	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1237	10-15-53	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAPH & SUN	1	1	
1238	10-15-53	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1239	10-16-53	NEWSPAPER CLIPPING FROM N.Y. POST	2	2	
1240	10-16-53	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
1241	10-15-53	NEWSPAPER CLIPPING FROM THE HERALD-STATESMAN	1	1	
1242	10-11-53	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	

*Designated to or from Bureau and/or Albuquerque, New York

Sent 7/28/78
2/78
(month/year)

Re: Julius Rosenberg

File No: 65-15348 sub A

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1243	12-18-53	NEWSPAPER CLIPPING FROM N.Y. Mirror	1	1	
1244	12-22-53	NEWSPAPER CLIPPING FROM N.Y. Times	1	1	
1245	1-18-54	NEWSPAPER CLIPPING FROM N.Y. Brooklyn Eagle	1	1	
1246	1-7-54	NEWSPAPER CLIPPING FROM N.Y. News	1	1	
1247	1-7-54	NEWSPAPER CLIPPING FROM N.Y. Times	1	1	
1248	1-11-54	THE NEW LEADER NEWSPAPER CLIPPING FROM	1	1	
1249	1-20-54	N.Y. World Telegram & Sun NEWSPAPER CLIPPING FROM	1	1	
1250	1-26-54	N.Y. Post NEWSPAPER CLIPPING FROM	1	1	
1251	1-31-54	N.Y. Journal American NEWSPAPER CLIPPING FROM	1	1	
1252	1-31-54	N.Y. News NEWSPAPER CLIPPING FROM	2	2	
1253	1-31-54	N.Y. Times NEWSPAPER CLIPPING FROM	2	2	
1254	1-31-54	N.Y. Herald Tribune NEWSPAPER CLIPPING FROM	2	2	

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File No: 65-15348 sub A

Re: Julius Rosenberg

Date

2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		#	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
1255	1-19-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1		
1256	2-2-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1		
1257	2-3-54	NEWSPAPER CLIPPING FROM N.Y. Post	1	1		
1258	2-18-54	NEWSPAPER CLIPPING FROM N.Y. Post	1	1		
1259	2-18-54	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1		
1260	2-19-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1		
1261	2-19-54	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	2	2		
1262	2-19-54	NEWSPAPER CLIPPING FROM N.Y. World Telegram & Sun	1	1		
1263	2-19-54	NEWSPAPER CLIPPING FROM N.Y. Post	1	1		
1264	2-19-54	NEWSPAPER CLIPPING FROM N.Y. World Telegram & Sun	1	1		
1265	2-20-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1		
1266	2-20-54	NEWSPAPER CLIPPING FROM N.Y. World Telegram & Sun	1	1		

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VOLUME 16

NEW YORK FILES

REVIEWED BY

JULY 1978

File No. 65-15349-SUBA

Re: Julius Rosenberg

Date: 7/78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1267	2-20-54	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1268	2-20-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1269	2-21-54	NEWSPAPER CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
1270	2-20-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	2	2	
1271	2-20-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1	
1272	2-20-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	2	2	
1273	2-20-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	2	2	
1274	2-21-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1	
1275	2-21-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	2	2	
1276	2-21-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1277	2-21-54	NEWSPAPER CLIPPING FROM N.Y. POST	2	2	
1278	2-21-54	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	2	2	

*Designated to or from Bureau and/or Albuquerque, New York

b6
b7C

Date: 2/78
(month/year)File No: 65-15348 SUB ARe: Julius Rosenberg

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1279	2-22-54	NEWSPAPER CLIPPING FROM N.Y. POST	2	2	
1280	2-24-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1281	2-19-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1282	2-23-54	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
1283	2-23-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1284	2-24-54	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
1285	2-24-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1286	2-25-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1287	2-19-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1288	2-26-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
1289	2-27-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1290	2-24-54	NEWSPAPER CLIPPING FROM N.Y. MAILBOX	1	1	

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FBI/DOJ

REVISED BY

Date: 2/78 (month/year)
 Recd. by: [Signature]

Re: Julius Rosenberg

65-15348

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1291	2-24-54	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1292	2-27-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1293	2-23-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1294	3-5-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1295	3-5-54	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
1296	3-6-54	NEWSPAPER CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
1297	3-6-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1298	3-6-54	NEWSPAPER CLIPPING FROM N.Y. ATTOR	1	1	
1299	3-7-54	NEWSPAPER CLIPPING FROM N.Y. TIMES	1	1	
1300	3-8-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1	
1301	3-9-54	NEWSPAPER CLIPPING FROM N.Y. NEWS	1	1	
1302	3-16-54	NEWSPAPER CLIPPING FROM N.Y. MIRROR	1	1	

*Designated to or from Bureau and/or Albuquerque.

65-15348 sub A.

No: Julius Rasenbary

11

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Page		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1303	3-9-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1304	3-19-54	NEWSPAPER CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
1305	3-19-54	NEWSPAPER CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
1306	3-19-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
1307	3-26-54	NEWSPAPER CLIPPING FROM N.Y. POST	1	1	
			90	90	

*Designated to or from Bureau and/or Albuquerque, New York

U. S. Department of Justice

(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

FEDERAL BUREAU
of
INVESTIGATION

See also Nos.

add. sub-files

65-15348
Subfile 17

Subfile 16
Serial 1196-13

GA. *[Signature]*
11/1/54

Telegrams Protest A-Spies' Stay

(Newspaper's Washington Bureau)

Washington—New York State and Long Island legislators were deluged yesterday with reactions to Justice Douglas' stay of execution for the Rosenbergs.

Sen. Herbert Lehman's office reported receipt of some 200 telegrams running about four to one against the decision. Many of the wires opposing Douglas' action also supported the House proposal to impeach the Supreme Court justice.

The office of Sen. Irving M. Ives received 157 telegrams of which 103 objected to the stay while 54 persons asked clemency. Both senators were still receiving wires late yesterday.

After the nine justices adjourned to their chambers yesterday

to consider the Rosenberg case about 4,000 Rosenberg supporters—largely from New York City—left the Supreme Court building and converged on the House building.

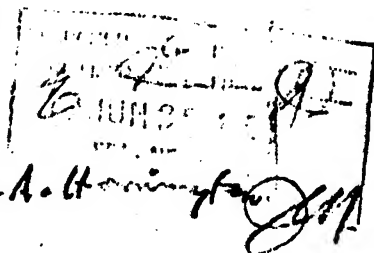
Groups of 15 to 20 people attempted to see Long Island Congressmen Frank J. Becker, Steven Derounian and Stuyvesant Wainwright, all of whom were on the floor of the House at the time. Greeted with cold politeness by

the office staffs in order to avoid any excuse for incidents, the groups insisted on leaving handwritten notes to legislators.

In a sudden reversal of policy, the pro-Rosenberg factions asked the Congressmen to avoid interfering with Justice Douglas' action. Previously, the atom-spy supporters had been loud in their demands that Congress act to save the Rosenbergs from the electric chair.

65-15348-A

1196

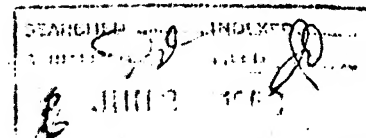


Full Measure of Justice

The Supreme Court has not yet ruled on whether to uphold Justice Douglas's stay of execution for the Rosenbergs. The court, rightly, is taking the question under minute consideration. A hasty decision would not only be unfair to the convicted atom spies, but to the American concept of justice.

Much as we believe the Rosenbergs should be executed for crimes which President Eisenhower called worse than murder, Justice Douglas's courage and integrity cannot be questioned. His stand is so unpopular that a Georgia congressman, Rep. Wheeler, proposes impeachment. Wheeler even had the gall to suggest that if the court upholds Douglas, perhaps the court should be impeached. It's a new idea, but it stinks.

By the same token, Federal Judge Irving Kaufman, who sentenced the Rosenbergs, fell from judicial grace in attacking as "intruders and interlopers" the "friends of the court" who succeeded in swaying Douglas. As long as a legal alley remains for a condemned man, he should have the right to explore it. Whether the outside lawyers are correct or not, their point was sufficiently well-taken to influence a member of the Supreme Court. By his statement, Judge Kaufman set himself up as a final authority, which he is not, and questioned not only the legal ability of the lawyers, but their motives. He was wrong on the first point. He is in no position to judge the second.



G. A. Harrington JM

~~He~~ Should Of.

As the excitement over the ~~Rosenberg~~ case was dying down, Supreme Court Justice Felix Frankfurter delivered a tardy, gratuitous opinion dissenting with the final majority ruling of the court.

He thinks more time should have been granted to study whether the atom spies had been tried under the proper law.

This case was kicking around in the courts for well over two years. More than enough time was spent deciding whether the Rosenbergs were getting a fair shake.

Furthermore, Justice Frankfurter's decision is purely academic since he delivered it after the pair had been executed.

All in all, if the eminent jurist takes a second look at his opinion he ~~well~~ may find that, in the words of an immortal prophet, he "should of stood i bed."

CLIPPING FROM THE
N.Y. WORLD TELEGRAM & SUN
N. Y.
JUN 25 1953
DATE
FORWARDED TO
DIVISION

Night Edition

65-15348-A-1198

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 25 1953	
FBI - NEW YORK	

Spies 'Murdered' Charge Rouses Bar

The New York City Bar Association, it was disclosed today, will ask attorney Emanuel H. Bloch to explain his charge of "murder," made at the funeral of his clients, executed atom spies Julius and Ethel Rosenberg, in Brooklyn last Sunday.

The "murder" charge was directed at President Eisenhower, Attorney General Herbert Brownell Jr. and FBI Chief J. Edgar Hoover. Since then, it was learned, a flood of letters has been coming to the Bar Association, protesting the embittered attack and asking that disciplinary action be taken.

Frank Gordon, chief of the association's grievance committee, said the complaints would be investigated, as would any others about any attorney, then put on the committee calendar

for a hearing if that seems justified. The committee may then present a petition to the Appellate Division, which may disbar, suspend or censure. The committee must find whether the vitriolic Bloch remarks at the funeral constituted "conduct prejudicial to the administration of justice" even though directed not at the court or a court officer.

CLIPPING FROM THE

N. Y. N.Y. BROOKLYN EAGLE

DATED JUN 25 1953

FORWARDED BY N. Y. DIVISION

Late News

65-15348 A-1199

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 25 1953	
FBI - NEW YORK	

THESE DAYS:

Judge Kaufman, Servant of the Law

By GEORGE E. SOKOLSKY

The judge who sentenced the Rosenbergs, Irving R. Kaufman, I know well and respect highly for his character, his courage and his erudition. Only 43 years old, he has already had a long and important career as a lawyer, serving in the Department of Justice before he was appointed to the Federal Judiciary at the age of 39.

Perhaps never before has a judge in an American court been subjected to such organized mass pressure. Judge Kaufman's life and the lives of his wife and children were threatened. He received so large a volume of vituperative mail that he had to stop reading it; he was called on the telephone day and night until he stopped answering calls even from personal friends. (An unlisted telephone number did not help; somehow the Communists managed to discover what it was.)

But the worst pressure was in that curious New York atmosphere of liberalism, which often rejects the law in favor of mob rule. Every kind of influence was brought to bear on Judge Kaufman to change his decision. The usual argument was:

"Why do you need to assume this responsibility? Make the sentence lower and your troubles will be over." It is the old and dangerous argument against sticking one's neck out, a theory which makes for irresponsibility and even corruption.

Imperilled Our Way of Life

This counsel came not from Communists, but from so-called respectable citizens, some of them with important names in the community, men who should understand what the words, duty and responsibility mean in a free society. They placed personalities above the law and by their conduct imperilled our way of life.

The volume of petitions was enormous and to them were signed the names of important educators, clergymen, authors, politicians, all of whom seemed to view Judge Irving Kaufman as an ogre who was sentencing innocent persons. Yet, the Rosenbergs were convicted by a jury in open court; the conviction was confirmed six times by the Supreme Court of the United States; numerous appeals to the President produced neither pardon nor a commutation.

The Rosenbergs had a fair fight for their lives and their case requires no discussion here. The Communists expended them as readily as they do all the children of the revolution who have served their purposes. Those who join conspiracies must expect to die by them.

Our courts are the last refuge of human freedom because in them the law, not the private advantages of men, should govern. The Federal courts, in particular, have had a good name during most of American history because the judges who served on that bench are appointed for life or good behavior and once appointed are freed forever from the favor of powerful individuals or of the mob.

Judge Irving Kaufman has served with dignity and propriety. The law dictated his conduct and he never faltered in its service.

As I happen to know, Judge Kaufman is a man of deeply religious sensibilities, and therefore it must have been doubly difficult for him to order the death of any human being. But he had also sworn to uphold the law, to protect the Constitution and to maintain our nation. He had to be faithful to his oath.

Americanism Triumphed

I need point to the well-known fact that Judge Irving Kaufman is a Jew by birth, by affiliation, and by religious beliefs and practices. The Rosenbergs were born of Jewish parents but, as Marxists, could not have been Jews by religion. Yet, in this amazingly wonderful society of ours, a judge of the Jewish faith sentences two spies of Jewish origin for treason. In this incident, Americanism triumphed. Not even the most vindictive anti-Semite can ignore either the heartbreak of the judge in this case or his stern adherence to duty, which is the duty of a public servant.

The Communists will, from now on, hound Judge Irving Kaufman. They will use every trick and wile to hurt him. They will abuse his name and write slogans about him. That cannot be helped. That is their method and as long as we tolerate them among us, we must expect them to act according to their doctrines.

But the rest of us can do much to honor and respect judges who do their duty and who withstand mob pressure. To the galaxy of America's great judges can now be added the name of Irving Kaufman, servant of the law.

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CLIPPING FROM THE
N. Y. JOURNAL AMERICAN
DATED JUN 25 1953
FORWARDED BY N. Y. DIVISION

SERIALIZED ☒ FILED ☒
JUN 25 1953
FBI - NEW YORK

Afternoon Edition 1200

East Side. West Side:

Bar Sounding Board to Bloch

By FRANK CONNIFF

I HOPE Sen. Joseph McCarthy will think twice before calling Emanuel Bloch, counsel for Julius and Ethel Rosenberg, before his Senate investigating committee in Washington.

The Communist campaign to martyrize the executed traitors is dying on the vine, except amongst the infinitesimal splinter which gives its allegiance to the party no matter how despicable the cause. Any resemblance between the Rosenbergs, convicted by a mountain of unrefuted evidence, and Sacco and Vanzetti, whose liquidation troubled all segments of American thought, was torpedoed during the course of the long legal struggle waged in their defense by the Communist party.

I take it that Mr. Bloch has formally removed the mask he donned as an advocate while the Rosenbergs were still alive and will henceforth appear as an avowed propagandist in behalf of the idea that the two espionage thieves were framed.

Group Hissed Rabbi

Certainly his harangue at the macabre funeral services for the Rosenbergs—at which a rabbi pleading for tolerance and understanding was hissed—provided evidence that Bloch has cast aside discretion in favor of a literal acceptance of the Communist "line" concerning Julius and Ethel.

In the role of propagandist, Bloch would undoubtedly be pleased to appear before the McCarthy Committee and turn it into a sounding board for the "line."

It is quite apparent that Bloch would contribute nothing in a factual way to the McCarthy files. He would arrive, I venture to say, equipped with the customary hand-out for distribution to the assembled press. This would run through the stale, familiar charges that the Rosenbergs were "murdered" and carry the usual abuse directed at President Eisenhower, Herb

Brownell, J. Edgar Hoover, and other preferred targets of left-wing propagandists.

After using the McCarthy hearing room for further extensions into demagoguery, Bloch, I predict, would then clam up and take his stance behind the Fifth Amendment. After leaving the stand, he would foregather with reporters in the manner set by Lionel Stander and amplify his propaganda remarks while justifying the refusal to answer Sen. McCarthy's questions.

All in all, it would be a dandy harvest from the propaganda standpoint and Bloch could congratulate himself on a good day's work. For this reason, I hope that Sen. McCarthy will not make a sounding board available to Emanuel Bloch.

Bar Action Urged

This is not to say that his vicious remarks in Brooklyn last Sunday should not bring some punishment upon him. A bar that countenances this kind of conduct without taking measures to protect its good name would only be compounding the degradation brought upon it by Bloch's Hitlerian attack on the President, Brownell, and Hoover at the Rosenberg funeral.

But there surely must be some way in which this can be accomplished without giving the left-wingers another sucker shot at the world's headlines. I would assume that the Association of the Bar of the City of New York would feel honor-bound to make certain that vicious activities like the Nazi-like Bloch attack will not be allowed to pass without reprisal.

The place for Bloch's come-uppance is not, in my opinion, before a Congressional committee. As a propagandist—the role he played so effectively at the Rosenberg funeral—Bloch would welcome the opportunity to ham it up before the klieg lights in Washington.

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N.Y.

DATE

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JUN 25 1953

Afternoon Edition

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Rosenbergs' Will:

A-Spy Couple Died Paupers

Atom spies Ethel and Julius Rosenberg died paupers, but left what few worldly possessions they had to their two young sons, it was revealed today when their wills were made public.

The wills were written out in long hand and on prison stationery in Sing Sing's Death House about four hours before they went to the electric chair before sundown last Friday.

Emanuel H. Bloch, the Rosenberg lawyer, said the wills were witnessed by Louis J. Kelly, principal keeper at Sing Sing, and Rabbi Irving Koslove, prison chaplain, who walked with the husband-wife spy team on "the last mile" to the chair.

NO "LAST MESSAGE."

Both wills were identical and the wording was legalistic. Bloch said there were no protestations of innocence and no "last message to the world" which had been expected.

Bloch said that Ethel's only possessions were a wedding ring and a silver locket on which is inscribed the Ten Commandments in Hebrew.

Julius left not a single memento except for a few books which are in the possession of U. S. Marshal William A. Carroll.

Bloch asserted that the Rosenbergs had addressed two final letters to him but that he would not make them public because of "their intimate, personal nature and the fact they have nothing to do with the case."

BOOK MAY AID BOYS.

Although their parents died penniless, the Rosenberg boys—Michael, 1-0, and Robert, 6—may come into possession of a sizeable sum from distribution of a book of death house letters written by the condemned atom spies.

The book, selling for \$1, is being distributed by the National Committee to Save the Rosenbergs, whose membership, according to the government, is made up largely of persons identified with subversive groups.

Bloch said he had organized the Jero Publishing Co. to hold the money accruing from the sale of the books in trust for the Rosenberg boys.

The youngsters, who had been living with a family friend in Toms River, N. J., have gone into seclusion to escape the stigma that their parents left them as a heritage, Bloch said.

The lawyer said the Rosenberg wills—marking the last chapter of one of the most incredible spy stories of history—would be filed next week in Surrogate's Court.

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Pleasures of Solitude

By Murray Kempton

A Congressman Wheeler, whose lifework would seem to be to do nothing that might distort the pattern set for Georgia statesman by Eugene Talmadge, is to have his day in court against William O. Douglas. Wheeler filed a bill of impeachment against Justice Douglas for the high crime of granting a stay of execution for two guilty people; on Tuesday, he will get his hearing before the House Judiciary Committee.

Justice Douglas will, of course, survive Congressman Wheeler to die presumably full of honors and the subject of rich obituaries, being then, as Heywood Brown once said of Eugene V. Debs, no better and no worse than when he was in public disfavor.

There was once a judge named Oliver Wendell Holmes. Theodore Roosevelt, a great bellows puffing forth every wind of popular passion, said, after one effort, that he could carve a better judge than Holmes out of a banana. Holmes appears to have survived history better than Theodore Roosevelt. The people love Holmes in retrospect; the mob, of course, hates Bill Douglas now.

We are already beginning to feel a little sick after the high carnival of the night the Rosenbergs were executed. Bob Considine, of INS, as an instance, passed up a trip to Capri to be in at the death. He wrote the other day this had been his first electrocution, and that it was now his hope that he would never have to cover another.

Considine had made a discovery that is pretty rare these days; he was writing about the death of two people and death, no matter how deserved, in the flesh can make a man sick. George Orwell once came back from Spain to read a revolutionary poem by W. H. Auden praising the "necessary murder." It was a line, said Orwell, that "could only be written by a person to whom murder is at most a word."

People keep sneaking in to say that Douglas

did the right thing and they are glad of it. They do not say it very loud, for somehow most of us have lost the sense that it can be fun to walk alone in the storm. There is a lot of talk these days about a terror against liberals; the truth is that men rush to conform. That is very sad because it is so pleasant to look back on a time when you didn't.

Poor Ben Gitlow runs about squeaking in chorus with Joe McCarthy, trying to wipe out a Communist past with a Journal-American present and being abused and ill-paid for it. But, if Gitlow lives in history, it will be as the subject of Justice Holmes dissent from the notion that poor Ben's ideas were so dangerous to the safety of the state that he belonged in jail, a dissent that Gitlow would certainly disapprove of today.

I called Eugene Lyons the other day to ask him about the Sacco-Vanzetti case, in which he performed a noble work. Lyons is very much a conservative these days; but he fairly glowed about Vanzetti. He may honor Herbert Hoover, but he will never forgive Governor Fuller. And never again will he know days like those.

All this is not precisely what I set out to write. I am going away for a little while and I am not exactly sure when I will get back. If a man is lucky enough to make his living with words, he should write every one as though it were his last. I could hardly claim to have acted that way; I have said some things that I ought not to have said, and I have left unsaid some things that I ought to have said.

But no one told me what to say; if I did not do what I pleased to do, it was my fault and not any institution's. Some time back, a fellow was saying that I wasn't much good but it was nice to see someone doing exactly what he wanted to do. You, Gene Lyons in the long ago, and you Bill Douglas, in the here and now, can it ever be as good any other way?

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The Red Underground

Propaganda Is Mapped Around the Rosenbergs

By Herbert A. Philbrick

Highly satisfied with the anti-American propaganda campaign based upon the Rosenberg spies, Communist party bosses last week ordered all anti-propaganda and propaganda heads to continue the campaign on a "permanent" basis.

Thus far the comrades have distributed millions of leaflets and flyers in this and in other countries throughout the world. Party bosses have now ordered, however, that the new propaganda material is to be in a more "permanent form"—hard-back book, paper-covered pamphlets, long-playing recordings of dramatizations and songs. Also ordered for "immediate preparation" were articles for "The Worker" and "Daily Worker," "Daily Peoples World," "Masses and Mainstream," "Political Affairs," and "The National Guardian." Secret, underground Communist writers were briefed during the week in tactics and strategy to be used for "planting" additional Rosenberg propaganda in non-Communist magazines, periodicals and newspapers.

Cell meetings were hurriedly called following the execution of the atom spies to "organize the campaign." The subversive Reds were instructed to get the propaganda material to ministers, students, teachers, professors, and to racial and religious groups and organizations.

Already in distribution through party cells is a collection of poems entitled "Give Us Your Hand," a 25 cent booklet published under the label of "People's Artists," an organization cited as a Communist front by the House Committee on Un-American Activities. The verses were written by Edith Segal, whose popularity as a party poet rose to new heights

through her work for the Rosenberg campaign.

Cell members were also instructed to sell \$1 editions of "Death House Letters of Ethel and Julius Rosenberg," sponsored by the "National Committee to Secure Justice in the Rosenberg Case." (At this writing, party bosses were debating a move to change the name of the organization by substituting the word "Vindication" for "Justice.")

The "new" material will consist largely of reprinting some of the most violent anti-American slander in the Communist party's history. Typical of the material the party has to draw from are these statements from the June 21 and 22 "Worker," which appeared with solid black borders framing the front pages:

"The murder of the Rosenbergs was a brutal act of Fascist violence by desperate rulers. . . . They were tortured but they did not yield. . . . The legal farce was a cover-up for a prearranged lynching. . . . The jury was terrorized. . . . The witnesses were perjured. . . . The press and prosecution howled for blood. . . . The top officials in the government, especially the department of frameup headed by J. Edgar Hoover, plotted to force the humble Jewish couple to betray democracy. . . . The men who are running our country have no hearts. . . . Their hearts are of stone. . . . They have hard minds, hard eyes. . . . They have the souls of murderers, and this was an act of cold and deliberate murder."

Summer Camps

Proud parents of potential pinks received instructions last week concerning "accredited" summer camps for Communist party indoctrination and training. In a party cell meeting held in the New York area last week, list of summer sanctuaries was designated by a party leader as "approved." Among them were: Camp Unity, Pine Lake Lodge, Chauts, Briehis, Camp Midvale, Ridgefield, City Slicker Farm, Fur Workers Resort, Camp Kinderland, East Hill Farm and Camp Lakeland.

Backs Massacre

"The Daily Worker" last week gave full support to the Soviet military commander of East Berlin, Maj. Gen. P. T. Dibrova, under whose order at least twenty-two German workers were shot to death or otherwise killed for participating in labor demonstrations stemming from demands for better working conditions.

Unlike its spirited campaign for the "innocent" Rosenbergs, "The Daily Worker" made no mention of Willi Grotting, executed by a Russian firing squad as a "spy" less than twenty-four hours after his arrest. The Communist party and its fellow travelers made no complaint that the German working class victim was permitted no trial, no appeal, no defense attorney, no witnesses in his behalf, no petitions in his defense. Rather, "The Daily Worker" publicizes Dibrova's statement, "Naturally, the perpetrators of arson, plundering and other outrages will be brought to trial and punished severely."

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. . . . The legal farce was a cover-up for a prearranged lynching. . . . The jury was terrorized. . . . The witnesses were perjured. . . .

The press and prosecution howled for blood. . . . The top officials in the government, especially the department of frameup headed by J. Edgar Hoover, plotted to force the humble Jewish couple to betray democracy. . . . The men

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SUNDAY NEWS, JUNE 28, 1953

VFW Asks Law To Bar 'Shrine' To Rosenbergs

Lake Placid, N. Y., June 27 (U.P.).
Some 3,000 Veterans of Foreign Wars ended their annual state convention today after demanding a state law to prevent erection of a "shrine" to executed atom spies Julius and Ethel Rosenberg.

The VFW also urged the State Bar Association to take action against the Rosenbergs' chief counsel, Emanuel Bloch, for remarks he made at their funeral.

Edward Papantonio of the Bronx was elected commander.

Display of the U.S. flag at the funeral of A-traitors Julius and Ethel Rosenberg was unanimously condemned yesterday by the Nassau County American Legion, in Hempstead, L. I. The convention urged that the state and national conventions seek a ban on flag display at traitors' funerals.

Shop Jamaica Mon. till 9:30

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Accuser Only Witness Scheduled:

House Opens Public Hearings On Douglas Ouster Resolution

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Afternoon Edition

Impeachment Demand Based On 6 Charges, Rep. Wheeler Says

By WILLIAM L. UMSTEAD

International News Service Staff Correspondent

WASHINGTON, June 30.—A House Judiciary subcommittee holds a public hearing today on the resolution by Rep. Wheeler (D.-Ga.) to impeach Supreme Court Justice William O. Douglas.

Wheeler was the only witness scheduled to testify on the measure which asks that Douglas be removed from the bench "for high crimes and misdemeanors."

The Georgia Democrat introduced the resolution after Douglas granted a stay of execution to atom spies Julius and Ethel Rosenberg a few days before they were electrocuted in New York's Sing Sing Prison.

A special subcommittee, headed by Rep. Graham (R-Pa.), was named to consider the measure. Judiciary Chairman Chauncey W. Reed (R-Ill.) selected only members with long legal experience to serve on the body.

OUTLINE ARGUMENTS.

Wheeler outlined most of his arguments against Douglas in an hour-long speech on the House floor yesterday and declared his move was not based entirely on the justice's action in the Rosenberg case.

He told the House the impeachment demand is based on six charges:

Conduct unbecoming a Supreme Court Justice, actions tending to bring the court into

disrepute, public statements prejudging cases, moral turpitude, conspiracy and treason.

Wheeler demanded that the committee subpoena court records from Portland, Ore., involving the divorce of former Asst. Interior Secretary C. Girard Davidson, in which he said Douglas reportedly was named as a correspondent.

'UNBECOMING CONDUCT.'

The legislator added:

"It is my firm belief that inquiry into the field of moral turpitude will establish, on this score alone, the unfitness of Mr. Douglas . . ."

[In Portland, Ore., a check of court records failed to support Wheeler's charge. Mrs. Mercedes Davidson obtained an uncontested divorce in January, 1952 on grounds of incompatibility. Davidson, now practicing law in Portland, also denied that Douglas was involved in the case in any way.]

Wheeler said Douglas has shown unbecoming conduct and brought the court into disrepute because he had "consorted with and yielded to those who are disolute vagrants and who are contemptuous of American justice."

Walter Winchell

Of New York

Time has a fact that rates wider circ: Ethel and Julius Rosenberg were not Jews. The mag points out that they rejected the Jewish faith (of their parents) when they embraced atheistic Communism...Fyke Farmer (who got Justice Douglas to grant a stay for the spies) threatens a lawsuit because we called him a stooge. The dictionary's definition of Stooge: "One who acts on behalf of another." Farmer is listed as a Red-Fronter by gov't committees...Two railroads (NYC and Pennsy) were flooded with protests for chartering trains to Rosenberg fanatics. They shrugged: "Business is business"...Josephine Baker's latest gesture of contempt: She is booked for a Tokyo theatre in July, giving her wages to the victims and orphans of the Hiroshima-Nagasaki bombings "by Americans."

Mrs. J. Donahue and son James gave a dinner for the Dook and Dookess in Paris. On the night that Chilean billionaire Arturo Lopez gave his annual elegant ball, to which he never invites Wallis and Eddie...The setback in the Italian elections is blamed on Ambassador Clare Luce, whose speeches were not authorized...What takes place at those Big-Wig dinners at the White House is absolutely nothing. Mr. President merely serves as a background to his listeners. He makes no deals...Big rumor: That the plot in which the Rosenberg spies are buried is owned by a commy-dominated union...The W. 51st St. Sacred Heart Church plans a chapel in memory of Jim Dawson, popular N. Y. Times sports ace...The Ruxton Fund has its 158th will. (Total money to date: \$7,600,000.)...Mrs. Gus Edwards is mending after an auto accident...Critic Bill Hawkins, who has a passion for detail, reported that Isabel Bigley of "Me and Juliet" makes 14 changes of underwear each perf. (Keyhole Peeper)...Headline: "Truman Visits Washington First Time Since January"...We hope he noticed all the improvements.

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Serial Editor John Harrington

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Rosenberg Balance-Sheet

By Max Lerner

I intend this as my balance-sheet of the Rosenberg case and my farewell to the whole topic. Every commentator knows how intense and bitter have been the letters written him about the case, and how ugly are the passions it has aroused among the extremists on both sides. I can only set down a clinical reckoning with the principal features of the case.

ON THE PROBLEM OF GUILT: I don't see how there can be much question that Julius and Ethel Rosenberg were involved in a spy ring having to do with atomic secrets. While both of them went through the motions of proclaiming innocence, their letters never reveal any authentic ring of truth in these protestations.

ON THE QUESTION OF THE DAMAGE THEY DID: While I consider their guilt proved, I am not convinced that they enabled the Russians to get the whole atomic secret, or even a very crucial part of it. The government may have more evidence on this score than it produced at the trial. But looking at the record alone, there is no proof that the Rosenbergs and Greenglass played the part that Klaus Fuchs played.

ON THE SENTENCE: That is why I have never been convinced that the death sentence was either necessary or wise. I respect Judge Kaufman's decision which came, I suspect, out of his brooding sense of the fatefulness of the issue before him. But had he been older and mellowed, I think he would have chosen the 30-year sentence. As for the government, I think it went along with the death-sentence on the gamble that it might induce the Rosenbergs to reveal the other members of the spy-ring.

ON DUE PROCESS: In spite of the bitterness of the pro-Rosenberg factions, the pair did have, an unusually high number of appeals and reviews. Only in a democracy, where the rule of law applies, could this have been possible.

ON THE LAWYERS: During the legal process itself, Emanuel Bloch (as Supreme Court Justice Jackson noted) conducted himself within the bounds of a conscientious lawyer. Where he went berserk was at the funeral service where his outburst was stupid and hysterical. But a compassionate person can understand the bitterness and accumulated tension from which the hysteria flowed.

ON THE SUPREME COURT: The last-minute legal moves, by the two lawyers who invoked the Atomic Energy Act, caught most of the Supreme Court unprepared. Whatever their political backgrounds, I believe men like these lawyers perform a public service by bringing up every possible legal question. I can only pity a confused columnist who seems to fear the processes of American law, and the pathetic Congressman who regards Justice Douglas as a traitor. I think the verdict of history will be that Douglas and Black showed great political courage and legal daring.

ON CLEMENCY: I respect the President's reasons for twice refusing clemency, but I think he would have been wiser to grant it. My basic proposition here is that, in propaganda terms, the Rosenbergs are worth far more to the Kremlin dead than alive. I think the President forgot the aspect of psychological warfare, and tended to view the case as if it were an appeal from martial law in an army situation.

ON THE TIMING OF THE EXECUTION: I agree with Justice Frankfurter that there was a curious haste on the question of vacating Justice Douglas stay-order, and rushing the execution through. I think I understand, however, what must have influenced Attorney General Brownell. If the Rosenbergs were to be executed, then every additional hour meant world-wide tension and a chance for anti-American propaganda.

ON THE EXECUTION: I found the Sing Sing precautions a bit exaggerated. There was a show of police and guards as if an insurrection might break out. The plainclothesmen who watched the incoming trains for demonstrators found only Republican commuters getting off. The seven guards watching the reporters in the briefing-room seemed a bit of a too-muchness.

ON SADISM AND EMOTIONAL PURGING: I was dismayed by the sadistic savagery of a small minority of the American people, who were calling for blood. A nation is best tested by how quietly it manages to carry out the necessary justice in a case involving great passions. In 18th century England, the crowds who watched the hangings on Tyburn Hill had, at least, a chance to purge their sadism openly, and get it out of their systems. I regret to say that the way the execution was reported last week did not provide either dignity or privacy of the open purge of the emotions.

ON THE JEWISH ASPECTS: The Gerald Smiths and the other anti-Jewish lunatic-fringe agitators will try to make political capital out of the heavy Jewish emphasis the Rosenberg case got in the press. It is too early to know what impact this will have on anti-Semitism. But I think most sensible Americans know that the Jewish aspect was only accidental, and that the whole Jewish tradition has fought totalitarianism both of the Right and Left.

ON THE HUMAN ASPECTS: the Rosenbergs themselves are not tragic figures, since they acted as Communist puppets, and no puppet can be truly tragic. The real tragedy lies in the scars inflicted on their sons, and the agony that lies ahead for the boys. The most depressing part of the case was the willingness of the mother and father to place their heartless Communist cause ahead of their human ties of family. Here was the true corrosion of the spirit. Here was the pity of it.

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VFW Asks Law to Bar A-Spy Shrine

Lake Placid, N. Y., June 27 (UP)—The Veterans of Foreign Wars asked on Saturday for a state law to prevent erection of a "shrine" to executed atom spies Julius and Ethel Rosenberg. The veterans, holding their annual state convention here, unanimously adopted a resolution yesterday, urging the Legislature to amend the state cemetery law to prohibit the erection of any shrine, monument, marker . . . at any grave, in any cemetery wherein the body or bodies of a person or persons have been adjudged guilty of treason or espionage against the government of the U. S. . . .

The resolution said it was understood a "shrine" was being planned for Pine Lawn Cemetery, Farmingdale, L. I. to honor the Rosenbergs.

The VFW also called upon the State Bar Assn. to take action against Emanuel Bloch, attorney, for the spies, for remarks about "murder" which he made at the funeral of the couple.

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JUSTICE DOUGLAS ACCUSED IN HOUSE

Wheeler Lists Treason Among
6 Charges for Impeachment
—Hearings Start Today

WASHINGTON, June 29 (AP)—Representative W. M. (Don) Wheeler, Democrat of Georgia, today accused Associate Justice William O. Douglas of treason as one of six grounds for impeachment from the Supreme Court.

Mr. Wheeler took the House floor for an hour's discussion of his resolution to impeach Justice Douglas for "high crimes and misdemeanors" as an aftermath of the jurist's stay of execution for the atom spies, Julius and Ethel Rosenberg. The full court vacated the stay, although the majority stressed the opinion that Justice Douglas had acted within his authority in granting it. The Rosenbergs were executed a few hours afterward, on June 19.

In advance of House Judiciary subcommittee hearings on the resolution tomorrow, Mr. Wheeler declared he was not basing his impeachment action on any question of Justice Douglas' authority. The action in the Rosenberg case, he said, only served "to accentuate a conclusion I had reached" as to his "general unfitness."

Mr. Wheeler said that what he called the "strange and unprecedented decision" by Justice Douglas had made him wonder "whether he is a knave or a fool," and added that he did not consider the jurist a fool.

"Therefore, I am forced to conclude he is a knave unworthy of the high position he holds," the Representative declared.

Mr. Wheeler listed the following specifications for his charges of high crimes and misdemeanors warranting impeachment: conduct unbecoming an Associate Justice of the court, action tending to bring the court into disrepute, public statements by Justice Douglas that he said had the effect of prejudging cases, moral turpitude, conspiracy and treason.

On the score of moral turpitude, Mr. Wheeler asked the House to subpoena records of a divorce case in Portland, Ore., in which he asserted Justice Douglas had reportedly figured. He said the case involved "the divorce of [former] Assistant Secretary of the Interior C. Girard Davidson from his wife, Mercedes Davidson, with Mr. Justice Douglas reportedly named as correspondent."

Mr. Davidson, now a Portland attorney, called the statement "completely untrue." His wife Mercedes divorced him on Jan. 23, 1952, on the ground of incompatibility. Mr. Davidson did not contest the action, and the court reporter said Justice Douglas' name was not mentioned at the hearing.

On the point of treason, Mr. Wheeler accused Justice Douglas of "giving aid and support to the enemy" by "consorting with sworn enemies of this Government," and making statements that "must have made him highly regarded by the Kremlin." Among the statements attributed to him was one, advocating recognition of Red China by the United States.

Davidson Calls Report Untrue

PORTLAND, Ore., June 29 (AP)—Mr. Davidson denied today that Justice Douglas had been a correspondent in the divorce case.

Informed of the statement here, he said: "That's completely untrue. My wife divorced me."

The former Government official added, "It's just a statement by an irresponsible Congressman who is sore about the Rosenberg affair." Multnomah County court records show that Mercedes Davidson obtained a divorce Jan. 23, 1952, on the ground of incompatibility. The suit was not contested.

Mrs. Mary Wakefield, court reporter for Judge Virgil Langtry, who granted the divorce, said Mr. Davidson had not appeared in court and that the name of the Supreme Court justice had not been mentioned in the transcript of the case.

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Late City Edition

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Why Did Not Rosenberg Defenders Say a Word for Willi Goettling?

What has happened to all those Americans and others who were just recently screaming to high heaven about the injustice done by the American Government in the execution of Julius and Ethel Rosenberg?

Those people saw fit to intervene in the interest of a couple of miserable traitors whose action in making vital atomic bomb secrets available to Communist Russia might some day cost the lives of great numbers of loyal Americans.

They feigned outrage at what they termed the failure of our courts to give the Rosenbergs a square deal. Yet the Rosenbergs had a long, fair trial. They were able to make appeal after appeal, carrying their case all the way to the United States Supreme Court. We can recall no defendants ever given greater consideration.

Yet why did these Americans and others not speak out when the world had a fine demonstration of the complete lack of a fair trial, with able counsel, right to appeal and all the rest? We refer, of course, to the case of Willi Goettling, the plain citizen of East Germany who dared to protest against the Russian tyrants who starve and mistreat the Germans, keeping them at heel like slaves.

Willi was merely stood up before a Russian firing squad and executed because he believed in freedom and a square deal. He had no able lawyers, no trial by a jury of his peers, no

appeals to the higher courts, no consideration for clemency by the equivalent of President Eisenhower.

It is 1953 in East Germany just as it is here, but it might just as well be the dark ages. An all-powerful, militaristic dictator rules. He is backed by a powerful army. What he says goes. There is no liberty. The very word is a joke.

Why have not those Americans who were outraged by the Rosenberg case at least been equally outraged by the Goettling case? And the numberless other similar cases of plain citizens like Willi, in Poland, Czechoslovakia and elsewhere as well as in East Germany.

For many of those critics of the Rosenberg case, the answer is plain. They were themselves Communists or Red sympathizers and approved the treatment given Goettling and any others who dare speak or act against the will of the Kremlin.

But there were others among those who lent their names to the Rosenberg protests who should at least feel a sense of shame today. Surely they must now realize how they permitted themselves to be used by the American agents of Moscow. We hope that those Americans will have learned a lesson from this case and be more careful about supporting phony causes in the future.

But they might at least get together and say an equally harsh word about the quality of "Communist justice" in East Germany.

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N. Y.

DATED JUL 6 - 1953
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J. A. Harrington

Communist Converting Efforts By Mrs. Rosenberg Denied

OSSINING --

Official confirmation was lacking today on reports current in this village, where many Sing Sing Prison employes reside, that Ethel Rosenberg, executed atom bomb spy, spent her last death house days trying to convert prison matrons to communism. The reports have spread here since Mrs. Rosenberg and her

husband, Julius, were executed on July 19. Of the four matrons who were on duty in the death house during the long months the couple were held before execution, only one hinted that the reports were true. But she emphatically refused to discuss it further.

'All Over Now'

"I don't care to talk about it," she said. "It's all over now and it's much better if it's left to die."

Each of the three other matrons denied ever hearing Mrs. Rosenberg discuss her case or talk communism, or even so much as admit that she was a Communist.

Mrs. Helen Evans, the one to whom Mrs. Rosenberg was closest, and whom Mrs. Rosenberg kissed upon the cheek just before she stepped to the death chair, said categorically:

"You can state for me that I never heard her so much as admit she was a Communist. There was one employe of the prison who was spreading about such a report as you mention but I never even discussed her case with Mrs. Rosenberg."

'Frisked' Visitors

The three other matrons are Mrs. Charles G. Collard, Mrs. Natalie Jackson and Mrs. Mary E. Creighton. Another prison employe who, with Mrs. Evans, accompanied Mrs. Rosenberg to the death chair, is Mrs. Lucy Mant, a telephone operator at the prison. She had not attended Mrs. Rosenberg during her confinement in the death house but had been called in on the last day to "frisk" any women visitors who might be admitted.

Warden Wilfred L. Denno said that in his opinion the reports were groundless.

"It just doesn't make sense," he said. "The Rosenbergs never admitted that they were Communists, but insisted that they were Progressives. I personally discussed the case a number of times with Julius and he insisted that he had done nothing wrong."

Rosenbergs 'Not Stupid'

"But even if they had been willing to admit themselves to be Communists, they would have had so little to gain, and the price of it would have been to prejudice their own appeals. I could see it if they had had the chance to talk to a lot of people, and perhaps win 100 converts, but it would have been stupid for them to have attempted to convert a single person. And the Rosenbergs were not stupid—make no mistake about that!"

Nevertheless, despite lack of official confirmation, the reports persist that Mrs. Rosenberg, at least, tried to the last to convert those closest to her to communism.

The Herald-Examiner
New York City Daily
July 1, 1953
Page 3 col 2, 3

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J. A. Harrington

Final Opinion Upholds Voiding Rosenberg Stay

WASHINGTON, July 16 (AP).—The necessity" for exercising the power, Chief Justice Vinson said today the Supreme Court's power to sweep aside the stay of execution granted Julius and Ethel Rosenberg by Associate Justice William O. Douglas "was clear."

"And so also, we think, was

the necessity" for exercising the power, Chief Justice Vinson wrote in the court's formal opinion in the case. The opinion, released today, supersedes and elaborates on the court's brief order of June 19 setting aside the stay granted by Justice Douglas.

The Rosenbergs died that night in the electric chair in Sing Sing Prison, their many appeals from their conviction as atomic spies for Russia having finally been exhausted.

Stay Power Undisputed

Chief Justice Vinson said Justice Douglas had the power to issue the stay, adding: "No one has disputed this, and we think the proposition is indisputable." He said individual justices have regularly issued stays, "and the exercise of that power is vital to the proper functioning of our jurisdiction."

Turning to the question of the court's power to set aside a stay granted by an individual justice, he wrote: "It is true that the full court has made no practice of vacating stays issued by single justices, although it has entertained motions for such relief. But reference to this practice does not prove the non-existence of the power, it only demonstrates that the circumstances must be unusual before the court, in its discretion, will exercise its power."

"The power which we exercised in this case derives from the court's role as the final forum to render the ultimate answer to the question which was preserved by the stay . . .

"He (Douglas) simply acted to protect the jurisdiction over the case, to maintain the status quo until a conclusive answer could be given to the question which had been urged in the defendants' behalf.

"In the exercise of our jurisdiction to decide the question which was preserved for decision, it lay within our power to bring the new claim before us and examine its merits without further delay. In considering this question the court carried out the limited purpose for which Mr. Justice Douglas issued the stay."

Ordinarily, the Chief Justice said, stays of individual justices should stand until the grounds upon which they have been issued can be reviewed through the regular appellate processes.

Special Session 'Proper'

But in the Rosenberg case, he said, he "deemed it proper and necessary" to call the court into special session to consider a motion by Attorney General Herbert Brownell jr. to set aside the Douglas stay.

The legal point on which Justice Douglas issued the stay was whether United States District Judge Irving R. Kaufman, the trial judge, had the power to impose the death sentence without a jury recommendation.

The court held, in setting aside the stay, that the Atomic Energy Act did not displace the Espionage Act under which the Rosenbergs were convicted. Under the Atomic Energy Act, a jury must recommend a death sentence before it can be imposed by the judge.

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The amazing campaign to snatch the Rosenbergs from



Another typically hammy red act was staged at the White House. This group of worthies ironically included a clergyman in the stellar role.

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NOUVELLES BREVES • NEWS IN BRIEF • NOTICIAS BREVES

NOUVELLES
BREVES

NEUES IN KURZE 新闻摘要 КРАТКЕ СООБЩЕНИЯ

EDITE PAR LE SECRETARIAT DE LA
FEDERATION DEMOCRATIQUE
INTERNATIONALE DES FEMMES
UNTER DEN LINDEN 12 - BERLIN W 6 - TELEFON: 621117

28th November, 1952

No. 45

SAVE THE ROSENBERGS

"By defending their liberty,
we defend ours, we defend peace."

Following the refusal by the U.S. Supreme Court to review the shocking, hysteria-ridden trial of the innocent parents, Ethel and Julius Rosenberg, the date for their execution was set. They are scheduled to die on January 12, 1953.

But while the U.S. Government proceeds with its plans to execute these victims of one of the most heinous political frame-ups in history, the conscience of humanity is racing with the executioner. Pleas to President Truman for Presidential clemency have been pouring into the White House, Washington, D.C., from all corners of the world.

The W.I.D.F. has again added its voice to the millions who are indignantly protesting the terrible miscarriage of justice which condemns two young parents to death and two young children to misery and loneliness. The W.I.D.F. has condemned the sentence of death against the Rosenbergs as a cruel and unprecedented action in peace time, and as an attempt to silence the peace fighters in the U.S.A. The following telegram was sent to President Truman:

"WOMEN'S INTERNATIONAL DEMOCRATIC FEDERATION LARGEST
WORLD WOMEN'S ORGANIZATION REPRESENTING 135 MILLION
WOMEN 65 COUNTRIES AGAIN VOICES DETERMINED STAND THAT
INNOCENT PARENTS JULIUS ETHEL ROSENBERG SHALL NOT DIE
STOP AND DEMAND TO MILLIONS WORLD OVER FOR EXECUTIVE
CLEMENCY!"

-2-

This is incontrovertible proof that the Kremlin started the drive to save the Rosenbergs. It is Communiqué No. 43, issued from the Berlin headquarters of the communist WIDF, calling upon its agents in all parts of the world to take up the cause of the condemned red spies in Sing Sing's death house.

come from the bleeding hearts to whom the thought that Julius and Ethel Rosenberg might die, has been unbearably agonizing.

The hullabaloo about the Rosenbergs proves nothing except that a great many people, including some extremely prominent ones, can be led by the nose when Communist schemers pluck their heartstrings. It proves nothing at all about the rightfulness of the sentence pronounced by the trial judge, Irving R. Kaufman, who called the crime of these seditionists "worse than murder." Nor should the furore have any influence on President Eisenhower, who refused on February 11th to grant clemency to these criminals.

Julius and Ethel Rosenberg were central figures in a spy ring that began its operation during World War II. They were tried when America was again at



he notorious red agent Gerhart Eisler, who fled to U.S., here addresses a Rosenberg rally in Berlin.

war, unless we are to consider Korea a pleasant little jaunt our armed forces are taking for the fun of it. One of the most absurd arguments of the pro-Rosenberg propagandists is that Russia was our ally at the time they obtained the atomic information which they gave to Anatoli Yakovlev, Soviet vice-consul and spy in New York. That makes their conduct in the matter as proper as a maid's stealing her employer's wedding ring and giving it to one of the lady's friends. The Congressmen who wrote the Espionage Act of 1917 were aware that today's friend might be tomorrow's enemy. The acts they forbade apply to anyone performing them on behalf of a "foreign power." Anyhow, who gave the Rosenbergs the right to decide whether the Russians should have vital secrets which the Rosenbergs could get only by thievery?

The Rosenbergs were discovered because the trail of espionage led straight to their door. Klaus Fuchs, when apprehended in England, described a courier of the spy ring whose name Fuchs did not know. The FBI by skillful detection identified Harry Gold as that courier. Fuchs confirmed the identification and Gold confessed. Gold revealed that he conveyed information stolen by David Greenglass from Los Alamos to New York. Trapped by Gold's confession, Greenglass admitted that he had been induced to engage in espionage by the Rosenbergs. Thus the whole story unfolded and much of it revolved about the Rosenbergs.

The guilt of the Rosenbergs
(Continued on page 43)

demonstrated beyond reasonable doubt to a Federal court room jury which heard the evidence in March, 1950. They heard all of the evidence, both the prosecution's and that of the defense. Unlike the snivelers who weep honestly or hypocritically over the fate of the Rosenbergs, the jurors had seen the accused themselves face-to-face during the trial. They saw those who furnished the evidence against them. These twelve average American citizens were in position to determine the credibility of all concerned. The manner of the Rosenbergs and their responses were anything but convincing. They refused to answer even some trivial questions on the grounds that to do so might incriminate them. The most that they and their astute attorney could do was to deny everything and disprove nothing.

The chief witnesses of the Rosenbergs' treasonable activities were naturally their fellow-conspirators, David Greenglass, his wife (Ruth Greenglass) and Harry Gold. The espionage of the Rosenbergs was not committed before a theatre audience. It was carried out with only the plotters present. By the time of their arrest in July 1950, Yakovlev had returned to Russia. As the vice-consul of a foreign government he could not have been required to testify, anyhow. But to the testimony of the chief witnesses there was added supplementary evidence, all of which fitted perfectly together.

The trial revealed that the Rosenbergs, who lived on the border of poverty, somehow suddenly got hold of \$5,000, when they heard of Gold's arrest. This they offered to David Greenglass, urging him to escape with his family. They gave him detailed instructions on how to contact soviet agents from Mexico City to Prague and they began arrangements for their own speedy departure from the United States. Where they secured these funds can only be conjectured, but one does not have to think very hard to make a satisfactory guess.

The jury was not impressed by the Rosenbergs' stubborn denials in the face of a chain of evidence that held them securely bound. Two years later when the family of Julius Rosenberg tried to get members of the jury to ask for clemency, none of them did so. When they declared the Rosenbergs guilty, the jurors did not know what penalty Judge Kaufman would impose. Now they said in effect that the death sentence was fully justified.

The Rosenbergs were so obviously guilty that the entire public, which had been reading the evidence in their daily newspapers, fully agreed with the

jury's verdict. Not a single prominent person expressed any doubt at that time. A few people said the death sentence was too severe, but these objections soon died out. Appeals to higher courts were expected. But in accordance with the judicial system of a highly civilized nation, the wheels of justice were moving properly.

From the time that Julius and Ethel



"I don't care if the electric mixer is broken!"

AMERICAN LION MAGAZINE

Rosenberg were arrested until their conviction, no communist organization or periodical suggested that the Rosenbergs might perhaps be innocent. Quick to yelp frantically when anything happens in the United States that can be made to appear a case of injustice, the *Daily Worker*, the chief communist mouthpiece in the United States, never even mentioned the Rosenbergs until the jury rendered its verdict. Then the Red newspaper merely reported that the Rosenbergs had been tried and found guilty. The failure of the communist press to bark when a pair of devout communists were being bitten, indicates that in this instance they probably had inside information about what the Rosenbergs had been doing for their Russian masters. As long as there was likelihood that the Rosenbergs might confess, it was best to write them off as expendable. What are two lives to a tyranny that has again and again condemned to death some of its most loyal servants?

But then it became apparent that the Rosenbergs were not going to speak up even though by doing so they could obtain clemency. They were not going to

be "informers." The leftists call anyone who divulges knowledge about communist activities an "informant." By using that odious word they cast aspersions on combatting the communist conspiracy. The word "informant" acquired its ugly meaning when good people in subjugated countries were handed over by spies to oppressive regimes with which only scoundrels could be in sympathy. In a nation deserving the respect and cooperation of its citizens, to conceal knowledge of a crime is wrongful. Because it is necessary in solving many crimes and in obtaining convictions of guilty persons, reduced punishment is granted to wrong-doers if they assist the government by furnishing helpful information. But fanatical communists, like the Rosenbergs, would regard themselves as "informants" helping an enemy government—that of the United States—if they revealed anything about their accomplices.

I have an excellent reason never to doubt the guilt of the Rosenbergs. At a meeting in a Far Rockaway, New York, hotel in May, 1952, Mrs. Morton Sobell, wife of a convicted member of the spying, was the main speaker. I heard her assure that audience, most of whom were leftists, that "Julie and Ethel could save their own skins by talking, but Julie and Ethel will never betray their friends." Proud references to this kind of loyalty on the part of the Rosenbergs were well circulated among the faithful worshippers of Moscow. To say that it would be "informing" if the Rosenbergs revealed other traitors, is an insult to the United States Government, whose compassion and tender mercies are being so assiduously besought.

The Rosenbergs were to be executed in May, 1951, but the long-drawn process of appeals had begun. Four months after they were scheduled to die a new version of their case was unveiled in a pro-communist periodical published in New York, which is called the *National Guardian*. By that time the public had begun to forget the actual details of the evidence against the Rosenbergs.

A masterpiece of mendacious falsehood about the Rosenbergs by William A. Reuben began in the *National Guardian* in August, 1951. According to the series of articles that the highly imaginative Mr. Reuben produced, the Rosenbergs are models of virtue and the villains in the case are the prosecuting attorney, Irving Saypol; the judge, Irving R. Kaufman, and the FBI. Reuben disposed of all the testimony which Emanuel Bloch, the very capable attorney of the Rosenbergs, had failed to deny; he simply declared it all to be false. He rewrote the case and came up

with two major cost figures, paid in their unjust suffering, but glorified in their martyrdom. He harped on the Rosenberg children, two boys, then aged eight and four, and pulled every stop on the sub-sister organ.

Reuben summarized his thesis thus:

"The facts of the arrest, trial, conviction and sentencing of Julius and Ethel Rosenberg indicate that, at the very least, there is grave doubt of their complicity in any alleged atom-spy conspiracy whatsoever; and at the very worst that they too have been convicted on trumped-up evidence—not so much to silence their own, two small voices of political protest, but rather to implant in the public mind with savage emphasis the belief that all holders of radical views are a menace to the nation, and to silence through mortal fear, all who may dare to hold views at variance with those of the administration of our country.

"It was precisely for such a purpose as this that Herman Goering caused the Reichstag to be set afire in Nazi Germany in 1933, blaming it on the communists."

Comparing the trial of the Rosenbergs with the burning of the Reichstag is in the tradition of the big lie. The possibilities of a campaign built upon deception and confusion became apparent to communist propagandists. A Committee to Secure Justice for the Rosenbergs was created in January, 1952. Its first task was to reprint the Reuben articles in a pamphlet which was sent to thousands of persons, some of whom could be expected for one reason or another to swallow some of the concoction.

The chairman of the committee is a

German party member, Joseph Mainin. The executive secretary is David Aliman. The sponsors whose names appear on the committee's stationery and literature are: Nelson Algren, Emily Aliman, Dr. Herbert Aptheker, Ivan Von Auw, Dr. Edward K. Barsky, Prof. E. Berry Burgum, Alice Hill Byrne, John F. Clewe, Prof. Ephraim Cross, Marjorie DiSilva, Dr. Katherine Dodd, Dr. W. E. B. DuBois, Gertrude Evans, Waldo Frank, Joseph Friedman, B. Z. Goldberg, Shirley Graham, Nahum Greenberg, Rabbi Louis D. Gross, Louise Harding Horr, Rev. Spencer Kennard, Hon. Robert Morss Lovett, Dr. Bernard Lubka, Dr. John Marsalka, John T. McManus, Mrs. Bessie Mitchell, Capt. Hugh N. Mulzac, William A. Reuben, Dr. John L. Simon, Leon Straus, Lois Timmins, Elizabeth Todd, Dr. Leonard Tushnet, Dr. Gene Weltfish. This is a typical communist-front list, with old reliables and some newcomers.

The Rosenberg Committee was well aware that it could not succeed without the aid of non-communists and anti-communists. No one would be impressed by the fact that communists condemned the death sentence of espionage agents who stole atomic secrets for Russia. The problem was how to inveigle others into their camp. At the start they suffered two reverses. They tried to picture the case as one in which civil liberties were denied and as an instance of anti-Semitism. They were rebuffed on both scores.

On May 2, 1952, Herbert M. Levy, staff counsel of American Civil Liberties Union, issued a memorandum which, point by point, made hash out of the Rosenberg Committee's major arguments. The memorandum declared that

there had been no violation of civil liberties in the trial and the sentencing of the Rosenbergs. Also in May, all of the national Jewish community relations agencies and all the local Jewish agencies denounced the committee for attempting "to inject the false issue of anti-Semitism into the Rosenberg case" and called it "a communist-inspired group." It happens that the Rosenbergs were born in Jewish families. They were renegades who abandoned their religion. Both the judge and the prosecuting attorney in the case are loyal, religious Jews. Nevertheless, the case was pictured as an anti-Semitic plot with persecution of other Jews sure to follow unless the Rosenbergs were saved.

The committee was energetic and persistent, despite all discouragements. It could count on communist-dominated organizations to send their members to its meetings and to lure others into those gatherings. Within a few months meetings had been held in New York, Los Angeles, Newark, Cleveland, Detroit, Washington and a dozen other cities. Local committees were set up in a score of cities and these committees carried on their own zealous campaigns of agitation and fund-raising.

Behind the scenes every communist worked arduously for the Committee to Save the Rosenbergs. They secured sufficient funds to print new pamphlets and to circulate these to many thousands of prospective sympathizers. Wherever possible the committee sought to persuade listeners and readers that the Rosenbergs were innocent. But even if guilty, the committee argued, the death sentence was too horrible, too dreadful. Other spies had received lesser penalties. To the millions of people who are opposed to capital punishment, the committee appealed to make their sentiments heard on behalf of the Rosenbergs. Gullible members of racial and religious groups might be frightened into believing that the death sentence of the Rosenbergs was a prelude to their own doom. And the misfits who like to believe that they are handicapped by our political and economic system could be aroused to work for a cause wherein it appeared that justice would be thwarted unless they carried on vigorous agitation. Then too it was claimed that the Rosenbergs were the victims of "hysteria." Anyone against hysteria should presumably be for the Rosenbergs.

With this six-pronged strategy it was inevitable that every expression that favored clemency for the Rosenbergs, on any ground whatever, could be made to appear another condemnation of their trial and sentence.

After some small try-out performances the Rosenberg Committee made



"They lead them up, then stalk out chanting 'until prices fall, you can keep it all!'"

its debut on March 13, 1952, in New York's Pyralis Hall. A thousand generous sympathizers applauded the rabble-rousing speeches. But for the next eight months, although the fever over the Rosenbergs had top billing in the communist press, there was hardly a mention elsewhere. The agitators' chief handicap during that time was that while they had plenty of second and third string voices in the save-the-Rosenberg chorus, no non-communist or anti-communist of prominence could be dubbed in even by transcription.

Typical songsters in the pro-Rosenberg medley were an utterly uninfluential rabbi of a small Brooklyn congregation, Meyer Shariff, who was billed as "world renowned," Jean Taylor, equally obscure, but described as "Negro Civil Rights leader," Ephraim Cross, an unknown in Jewish circles, whom the Committee glorified as a "leading opponent of anti-Semitism," Yuri Suhl, "poet and novelist," Sol Tischler, "East Side leader," Mrs. Rose Sobell, "mother," Professor Abraham Cronbach, Rev. Reginald Bass, Joseph Brainin, chairman of the Committee, David Alman, the secretary, and William Reuben.

Handbills announcing the meetings contained names of persons who urged a new trial for the Rosenbergs, such as Judge Norvall K. Harris, Charles William Campbell, Brigadier General Henry Newcomer (retired), Dorothy Day, Prof. H. G. Landau, Rev. Amos Murphy, Robert Kenny, Rev. Frank Glenn White, Rev. Mother Lena Stokes, and Mary Church Terrell. The summer and fall of 1952 brought other names of similar unimportance into the committee's news releases. The committee could have used the name of any famous Red, but they took only a few, such as Rev. Harry F. Ward and Paul Robeson. The most important single requirement for success was to make this entire explosion appear to be coming from non-communist sources.

On October 13th the U. S. Supreme Court refused to hear the Rosenberg Case. The Federal Court of Appeals had already reviewed the case without finding a flaw. On October 15th the *Daily Worker* raged: "The Supreme Court's refusal, with Justice Black dissenting, to review the death sentence of Julius and Ethel Rosenberg, is a monstrous decision. It comes as a climax to a fraudulent prosecution by the Department of Justice and a trial rigged in an atmosphere of hysteria." But into the ears of non-leftists, the commies and fellow-travelers merely purred that there was some doubt in the case as to the guilt of the Rosenbergs, but even if they were guilty humane considerations would make it inadvisable to execute them.

The fact that the Rosenbergs ap-



*there's
like*

BECAUSE OF LIQUEUR
DRINKS NEVER TASTE

100% NEUTRAL SPIRITS DISTILLED FROM GRAIN

peared to be standing very close to death's door furnished a melodramatic atmosphere of which the communist propagandists took full advantage. More rallies were held, but still with no more illustrious speakers than Rabbi Scharff, Michael Wollin, Mrs. Morton Sobell, Stephen Love, Bessie Mitchell, Octavia Hawkins, Gloria Agrin and William Patterson. Big-name non-communists still refused to shine in person for the Rosenbergs. It is notable that for this particular enterprise the entire entertainment field refused to perform. No stage or movie star shone in the Rosenberg firmament. This void created quite a problem but the communist organizers knew how to take care of that. Anyone who had stated publicly that the Rosenberg death sentence should be commuted would willy nilly furnish grist for the communist propaganda mills.

Consider the case of Max Lerner. On April 9, 1951, he wrote in his column in the *New York Post*, "Judge Kaufman too did what he had to. The sentence is drastic, yet it is scarcely possible to challenge its justice, especially after reading the detailed testimony in the Atomic Committee document." Of the guilt of the Rosenbergs, Lerner had no doubt. On February 13th he wrote, "One can only feel a consuming anger against those who have coldly used these two who will die—used them first to steal atomic information . . . then used them again, in order to daub all over the globe the crude Red lie of an anti-Jewish frame-up."

Max Lerner slipped, however. In another mood he wrote, in the *New York Post*, June 19, 1952, "I agree that the death sentence was unprecedented and harsh." That one line has been reprinted by the Rosenberg Committee more than a million times. Utterly ignoring all else Lerner has said on the subject, they have put that one sentence on a half-dozen different hand-bills, including those distributed by the line of pickers at the White House. The same treatment was given Dorothy Thompson, who wrote on April 12, 1952, in the *Washington Star*, "The death sentence depresses me . . . in 1944, we were not at war with the Soviet Union. . . . Indeed it is unlikely that had they been tried in 1944 they would ever have received any such sentence." All else that Miss Thompson said on the subject has been omitted. Otherwise, the committee would be demolishing its own arguments. Eleanor Roosevelt became a star witness for the Rosenberg Committee when she said on January 20, 1953, "There is a great deal of hope . . . that Julius and Ethel Rosenberg will win executive clemency on humanitarian grounds alone." It is comforting to note that of the hundreds of American columnists and journalists only a few

voiced doubt about the "gh" of Judge Kaufman's sentence. The *Bookly Jewish Examiner* on the other hand, kept up a steady campaign in favor of clemency for the Rosenbergs. Its editor, Rabbi Louis Gross, was quoted extensively by the Rosenberg Committee.

Using whatever quotes they could find and writing letters to thousands of potential sympathizers, the pro-Rosen-



"Another nice feature of this darned chair is . . ."

AMERICAN LADY MAGAZINE

berg agitators began to strike pay dirt in November (1952). Clergymen, being men of mercy, were especially susceptible and hundreds signed clemency petitions. Their support was used to give the impression which the communist propagandists wished to make, namely, that a grave miscarriage of justice was being perpetrated, and that all good men should work vigorously to prevent the outrage.

Many editors, on the other hand, recognized the fraud that was being perpetrated and served warning. A significant attempt to caution the unwary came in a statement by six religious leaders who on January 6th said, "The case of the convicted atom spies, Julius and Ethel Rosenberg, is being exploited by typical communist trickery to destroy faith in our American institutions."

The signers of the statement, which pointed out that "the Rosenbergs have revealed no regret for the harm which they have done our nation," were Charles E. Wilson, industrialist and former president of the General Electric Co.; the Rev. Dr. Daniel A. Poling, editor of the *Christian Herald*; Samuel I. Rosenman, former Supreme Court Justice in New York State and former counsel to Presidents Roosevelt and Truman; Rabbi William F. Rosenblum,

E. Manion, professor of law and former dean of the College of Law at Notre Dame University, and Rev. Joseph N. Moody, of Cathedral College, New York.

In November the Rosenberg Committee began to report that some very well known persons and some organizations abroad were demanding clemency for the Rosenbergs. The communist international network had succeeded in getting their friends to step up the campaign overseas and to stir up millions of people who never heard anything about the case except what the communists told them about it. Anguished cries came from labor unions in various parts of the globe where the communist control of labor is strong. Bitter denunciations of the United States, made at meetings abroad and reported in the foreign press during December, January and February were genuinely startling. Our State Department issued a booklet giving the facts of the case, and tried with mild success to offset the Red agitation. But now the Rosenberg story was a high priority news feature. Even the name of Pope Pius XII was thrust into the headlines as one who presumably urged clemency.

Of all the tidbits on which the com-

munist propagandists used the pound, the most dazzling was a statement by Dr. Harold C. Urey, Nobel Prize winner and nuclear scientist. Dr. Urey, not present at the trial of the Rosenbergs. He has had no legal training. His competence in reference to the case is practically nil. Nevertheless he made his own analysis of the case and wrote to Judge Kaufman on December 16, 1952 that he believed the Rosenbergs had been wrongfully condemned. The *Daily Worker* published that letter. In January, Dr. Urey wrote similarly to the *New York Times* and said, "I found the testimony of the Rosenbergs more believable than that of the Greenglasses..." and again he defended the Rosenbergs. Dr. Albert Einstein, a naive signer of pro-communist and of anti-communist statements, wrote to the *New York Times* indorsing Dr. Urey's letter. The genius of both Einstein and Urey is limited to the physical sciences, on the study of which they have concentrated heavily. In matters of jurisprudence they are no more competent than the average person, and certainly less competent than experienced jurists. Their names are extremely impressive, however, especially in a case which involves atomic science. Dr. Urey and Dr. Einstein were featured in the Rosenberg Committee leaflet and blazoned on

signs carried by jets in front of the White House and before American embassies in foreign countries.

In their propaganda efforts to exploit the Rosenberg case, communists and fellow travelers throughout the world and particularly in the United States labored long hours and with great diligence. Typical instructions to the faithful were issued on December 18 and 19, 1952: "Print two and a half million pieces of literature in the next three weeks; begin a day and night clemency vigil in Washington, D. C. December 27; bring thousands of people to Washington January 4th and 5th; place radio, TV and newspaper advertising wherever it can be purchased; gain approval and cooperation of largest and most representative bodies of persons; make every effort to secure participation of religious, labor and professional groups, whether or not they have spoken up for clemency; send letters and delegations to every Senator and Congressman on the weekends that they are home; send delegations to see Mayors, Governors and other officials; urge every clergyman to give a sermon urging his congregation to write to President Truman to grant executive clemency; visit or write to every person of some prominence whether

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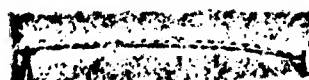
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The American Legion Magazine, June 1953

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SEE HOW bottom bullet powered for flatter trajectory stays closer to your line of sight. That helps overcome errors in range estimation!

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...ing him to speak up for clemency; use door-to-door, street-by-street visits; distribute printed material and solicit letters and wires to the President; contribute immediately to the committee's urgent appeal for \$50,000 to finance last few weeks of activity."

All of this to save two lives? Well, hardly. The Reds knew well enough that they were making it appear that if the President granted clemency it would seem that American justice is subject to communist pressure. The communists were using, not helping the Rosenbergs.

What have the communists gained by their tremendous propaganda campaign about the Rosenberg Case? Some of their achievements can be readily listed:

1. They have made certain that Julius and Ethel Rosenberg, who were pre-disposed to remain silent anyhow, will never reveal what they know about the communist spy system. The "martyrdom" of these traitors is now assured and they will be played up in future communist propaganda.
2. By focusing attention on a phony case of alleged judicial and political murder in the United States, the Reds have drawn public attention away from the barbaric injustices of the Krenlin at the very time that an open campaign of communist anti-Semitism was being launched.
3. In their speeches and pamphlets about the Rosenbergs the commies have injected a tremendous amount of anti-American propaganda, picturing the average American as the exploited victim of a ruling clique that intends to make huge profits out of war. The Rosenbergs were "peace heroes." Large sums collected from non-communists and even anti-communists were made available for communist propaganda.
4. The pro-Rosenberg agitators have instilled fear, suspicion and confusion in the hearts of many susceptible individuals here and abroad. Some of those who were drawn into the campaign for the Rosenbergs are now potential communists. Party workers will now be able to recruit them.
5. The communist schemers that managed the Committee to Secure Justice for the Rosenbergs have built one of the largest and most successful communist front organizations ever created in the United States. Those who contributed funds, services or even signatures for the pro-Rosenberg campaign are now candidates for other jobs requiring the help of non-communists. Having established contact with these easy marks, the Reds will be able to make further use of them.
6. Persons of relative unimportance have tasted publicity and aggrandize-

...er... howing they have thus gained within their own circles will be exploited by front organizations which will angle the lure of further publicity.

7. The hard-core communists now know by excellent practice how to conduct a propaganda campaign by fraudulently playing upon the compassion and kindness of the unwary. With this self-assurance the faithful followers of the Kremlin will be ready and eager to serve their masters again by staging similar hubbubs in other cases where they can pretend to be the defenders of freedom of speech, of justice for the wronged, or the like.

These gains are already assured. Nothing can undo them. There are other important goals that the communists may or may not achieve. One is to terrify American judges. During the past year and a half they have subjected Judge Kaufman to systematic mental torture. They have kept his phone ringing at all hours of the day or night, have reviled him and threatened his children. They have tried, as they tried unsuccessfully in the case of Judge Harold Medina, who heard the case of the top communist leaders, to reduce Judge Kaufman to a nervous wreck. They would like to make certain that no judge will ever dare to sentence a communist spy to death, not even if he steals secrets of the hydrogen bomb for Russia.

Because fear of death is the greatest of all deterrents, the communists would like potential traitors in the United States to believe that at most they will go to jail and that in due course the communist revolution or communist invasion will come and they will be released and well rewarded. Thus far America's judges have shown splendid mettle in doing their duty regardless of the extent of communist abuse. Let's hope that they will continue to bear without flinching the cruelties inflicted upon them by the communists and by those who imagine that communists are leading them along the path of mercy.

What can we do to keep communists from reaping new harvests of propaganda by exploiting other criminal cases? The answer is that all loyal Americans should realize that there is a psychological war being waged now and that in any war it is necessary to ask, "Am I assisting my own country or am I helping the enemy?" It is perfectly possible to raise funds for litigants, to plead a cause publicly and to help the defense of the prosecution in a case in such a way that the communists do not get into the picture. In many a civil rights and civil liberties case communists have been frozen out.

When a communist-front organiza-

tion starts another campaign to discredit American courts no loyal American should furnish moral or financial help. If no non-communist organization takes up the case, it is proof sufficient that it is a phony and does not deserve support. If responsible organizations denounce the efforts to play up the case it should serve as a warning that the intent is to bully the court and the pardoning authority.

The ultimate task of deciding who is guilty or innocent and who should receive clemency should be left to constituted authorities, to whom anyone can express his views privately by writing a letter. President Truman granted clemency in over 1800 cases of individuals and by amnesty freed thousands of others without any public clamor on their behalf. As Judge Kaufman rightly said, "When the day comes when we succumb to pressure we might as well close the doors of justice."

If the idea that justice can be secured in America by having uninformed persons foist their views on our courts, our President and the Governors of our States, then the communists will have won their greatest victory. In that event for every wrong that might

conceivably be avoided there would be innumerable instances where wrong would triumph and mob rule would prevail. The chief beneficiaries of that dreadful situation would, of course, be the conspirators who want to destroy the American way of life. As an indispensable defense against the agents of the Kremlin we must invest faith in our own institutions.

How does the American public feel about the Rosenbergs? In spite of all the confusion, distortion and deception that the communists have employed to make heroes of these criminals, the overwhelming sentiment of the people of the United States has not altered from that which was expressed by the editor of the *Constitution of Atlanta*, Georgia, who wrote two years ago (April 6, 1951): "There is hope that Federal Judge Irving Kaufman's sentencing of Julius and Ethel Rosenberg to die for stealing atomic secrets for transmission to Russia marks the end of our soft treatment of those who are disloyal. We can no longer afford the foolish indulgence of being soft with traitors. Judge Kaufman is to be congratulated for making that plain. Let other traitors be warned." THE END

ON MARCH 18TH, at the Capitol Hotel in midtown New York, 1,100 people ate their evening meal in an overcrowded dining hall where they heard some impassioned oratory. The invitations were elegant and the price was a mere twenty-five dollars per person. The guest speaker was to be Sidney Silverman, a left-wing member of the British Parliament. The announcement listed seventeen sponsors, of whom only one, Waldo Frank, is nationally known. The couple on whose behalf this lavish

event was held, have been greatly publicized. Julius and Ethel Rosenberg were unable to attend, being detained at Sing Sing Prison, where they were awaiting execution because they stole America's atom bomb secrets for Russia. Mr. Silverman was likewise absent for good reason. He was refused an entry visa to the United States.

To many who attended the affair at the Capitol Hotel, the Rosenbergs had become symbols of virtue and victims of villainy. In a campaign to snatch them from the electric chair these devotees had made pilgrimages to Sing Sing Prison and to Washington, had arranged other meetings, distributed tons of literature, rung door bells, collected funds, called on influential people, obtained signatures on clemency petitions and helped make the Rosenberg case a cause célèbre throughout the world.

The March 18th dinner was one of thousands of events, ranging from parlor gatherings to mass meetings, and from picket-lines to prayer vigils, that

have been staged by communists, their stooges and their dupes, to focus attention on the Rosenbergs. Impressive mass meetings were held in London, Paris, Berlin, Rome and other foreign capitals. Throughout the world this man and his wife were hailed as "martyrs of peace." For sentencing the Rosenbergs to death the United States was assailed in fifty languages as "savage," "barbaric" and "inhuman."

Millions of helpless victims have been done to death behind the Iron Curtain. Wholesale butchery has been perpetrated there by planned starvation, by exile to frigid areas, and by overwork in forced labor camps. Hundreds of individuals have been condemned to death for alleged espionage or to long imprisonment after farcical trials. Unlike the Rosenbergs, the suspects in Russia and its satellites did not choose their own attorneys. The communist state assigns a "defense" lawyer, whose business apparently is to make the suspect confess. Yet barely a murmur of protest has



Commie frontier Karen Morley, former film actress, joined a gruesome group which made a tearful pilgrimage to Sing Sing where they put on an act that was as corny as a soap opera.

AS USUAL, CELEBRITIES AIDED THE PROPAGANDA



ALBERT EINSTEIN
The well known
atomist became
highly articulate.



DR. H. C. UREY
Not the first time
he jumped on a
red bandwagon.

Vinson Defends Rosenberg Order By Douglas and Action Vacating It

By LUTHER A. HUSTON

Special to THE NEW YORK TIMES.

WASHINGTON, July 16 — The high court made known its Supreme Court was acting clearly ruling.

within its powers and exercising its responsibility to supervise the administration of criminal justice by the Federal judiciary when it vacated the stay of execution granted by Associate Justice William O. Douglas to Julius and Ethel Rosenberg, the atomic spies. Chief Justice Fred M. Vinson held in a formal opinion issued today.

"The existence of our power was clear," the Chief Justice asserted, "and so also, we think, was the necessity for its exercise. In our view, the ultimate decision was clear."

The "ultimate decision" was that the Rosenbergs should die in the electric chair for betraying atomic secrets to the Soviet Union and they were executed in Sing Sing Prison just before sundown on June 19, within a few hours after

The formal opinion issued today was the final legal chapter in the fight that was waged in the courts to save the Rosenbergs after their indictment on Aug. 17, 1950. It set forth in detail the findings announced in a brief opinion by the court, read from the bench by Chief Justice Vinson on June 19, that set aside Justice Douglas' stay. It is the opinion of the court.

Concurring opinions were written by Justices Tom C. Clark and Robert H. Jackson and published on the day the stay was vacated. Dissenting opinions were read from the bench that day by Justices Douglas and Hugo L. Black. Subsequently Justice Felix Frankfurter issued a separate dissenting opinion.

"The power which we exercised

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VINSON INTERPRETS ROSENBERG RULING

Continued From Page 1

In this case derives from this court's role as the final forum to render the ultimate answer to the question which was preserved by the stay," the Chief Justice wrote.

The "question preserved by the stay" was whether the Atomic Energy Act of 1946 superseded the Espionage Act of 1917 under which the Rosenbergs were indicted and convicted. Had the Court held that the Atomic Energy Act applied, the death sentences imposed on the spies would have been illegal in the absence of a recommendation of the death penalty by the jury. Such a recommendation from the jury is not required by the 1917 statute.

"Mr. Justice Douglas, in issuing the stay, did not act to grant some form of amnesty or last minute reprieve to the defendants; he simply acted to protect jurisdiction over the case, to maintain the status quo until a conclusive answer could be given to the question which had been urged in the defendants' behalf," Mr. Vinson asserted. "In the exercise of our jurisdiction it lay within our power to bring the new claim before us and examine its merits without further delay. In considering this question the court carried out the limited purpose for which Mr. Justice Douglas granted the stay."

Ground for Douglas Action

Justice Douglas had granted the stay on the ground that the contention that the Atomic Energy Act applied instead of the Espionage Act constituted a point of law not previously presented to the Court. The full court heard arguments on this point on June 18.

The Chief Justice repeated, in his opinion, the finding announced from the bench on June 19 that there was no question of Justice Douglas' power to grant the stay of execution.

"Mr. Justice Douglas had power to issue the stay," he wrote. "No one has disputed this, and we think the proposition is indisputable. Stays are part of the traditional equipment of the administration of justice."

"It is true," the opinion continued, "that the full court has made no practice of vacating stays issued by single justices, although it has entertained motions for such relief. But reference to this practice does not prove the nonexistence of the power; it only demonstrates that the circumstances must be unusual before the court, in its discretion, will exercise its power."

The Chief Justice acknowledged that the court's action in convening a special term at the request of the Attorney General to consider the stay granted by Justice

Douglas "was unusual" but, he added.

"So were the circumstances which led to it."

In granting the stay, Justice Douglas had expressed "serious doubts whether this death sentence may be imposed for this offense except and unless a jury recommends it."

"After hearing the arguments on this question we did not entertain the serious doubts which Mr. Justice Douglas had," Mr. Vinson asserted. "We held that this issue raised no doubts of such magnitude to require further proceedings before execution of the district court's original mandate—a mandate which had been affirmed on appeal and sustained thereafter despite continuous collateral attack."

The "mandate" referred to was the death sentence imposed by Federal Judge Irving R. Kaufman of New York before whom the Rosenbergs were tried.

Mr. Vinson said the "question preserved for adjudication" was entirely legal, involving "a question of statutory construction which this court was equipped to answer." For that reason, he added, it was proper for the court to call a special term and consider the question forthwith.

The Chief Justice prefaced his opinion with a review of the history of the Rosenberg case that showed that the case was in the high court in one form or another almost continuously from Oct. 13, 1952, when the first petition for a hearing was denied, until the final ruling on June 19.

The only time arguments were heard by the Supreme Court, however, was on June 18, on the point of law raised by Justice Douglas' stay of execution.

Rosenbergs Made an Issue, Jewish Session Is Unmoved

GENEVA, Switzerland, Aug. 6 (AP)—The execution of atom spies Julius and Ethel Rosenberg was raised as an issue before the World Jewish Congress today, but caused hardly a ripple among the 300 delegates from sixty nations.

Molshe Eram, a member of the Leftist Mapam (United Workers party) in Israel's parliament, brought it up. He questioned the objectivity of Dr. Nahum Goldmann's opening address to the Congress Tuesday, saying it "omitted reference to Fascist and anti-Semitic organizations flourishing in many countries, including the United States, which are doing their dirty work openly and unmo-
lested."

"In the case of Ethel and Julius Rosenberg, we did not note any sensitivity on the part of the World Jewish Congress," Mr. Eram said.

Slansky Trial Cited

Louis Segal, of New York, general secretary of the Far-
band-Labor Zionist order, in a
later address asked Mr. Eram
why, in mentioning the Rosen-
berg case in the United States,
he had "failed to mention the
Slansky trial in Czechoslovakia."

He expressed the hope that the time would soon come when Jews in Communist countries "will be able to join Jewish forces throughout the world and shape the common destiny of the Jewish people and support the State of Israel without fear."

Dr. Maurice M. Perlzweig, of New York, director of the Congress' international affairs department, clarified the position of the Congress concerning the Rosenberg case in a brief statement. He said it was "not a matter of specific Jewish concern" and therefore not subject to Congress action.

American Jewish groups and the American Jewish Congress, he said, "have repeatedly and strongly protested against the

Communist attempt to exploit the Rosenberg case in order to win sympathy among Jews."

Jacob Blaustein, president of the American Jewish Committee, said yesterday that virtually all Jews in the free world refute the view expressed in Geneva Tuesday by Dr. Nahum Goldmann, acting president of the World Jewish Congress, regarding Israel.

Dr. Goldmann had said that "there is no other state in the world where nearly 90 per cent of the people live outside of it."

Mr. Blaustein said the American Jewish Committee in its Statement of Views in 1949 had stated that "Citizens of the United States are Americans and citizens of Israel are Israelis; this we affirm with all its implications." Mr. Blaustein said this assertion "reflected the overwhelming sentiments of the Jews of the United States."

OLDFATHER

U.S. DEPT. OF JUSTICE

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ROSENBERG BID FAILS AT JEWISH CONGRESS

Special to THE NEW YORK TIMES.

GENEVA, Aug. 6—American Jewish representatives roundly denounced an effort made today by a left wing member of Israel's Parliament to bring the execution of Julius and Ethel Rosenberg before the World Jewish Congress as a case involving anti-Semitism. The Rosenbergs were convicted of conspiring to transmit United States atomic secrets to the Soviet Union.

Moishe Erem of Tel Aviv, a member of the Mapam party, criticized the Presidential address of Dr. Nahum Goldmann for omitting a reference to the "anti-Semitic manifestations growing out of the Rosenberg case in the United States."

Louis Segal of New York and Dr. Maurice L. Perlzweig promptly denounced Mr. Erem for distorting the facts.

"Why do you not complain of the omission of any reference to the anti-Semitic overtones of the trial of (Rudolf) Slansky in Prague?" Mr. Segal asked.

Mr. Perlzweig said the Rosenberg case was "not a matter of specific Jewish interest and therefore was not subject of any action on the part of the World Jewish Congress." No allegation of anti-Semitism had been made during the trial, Mr. Perlzweig stated and American Jews did not consider that any such issue was involved.

This prompt American reaction to charges that have often been made outside the United States, notably by Communists and their allies, seemed to dispose of the matter so far as this congress is concerned.

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THESE DAYS:

Who Let Spies Into Manhattan Project?

By GEORGE E. SOKOLSKY

Malenkov's assurance that Russia has the hydrogen bomb cannot be taken as a bluff. We cannot afford to risk being wrong about that. If he is not bluffing and we acted on the assumption that he is, we may be fooled. It would be a disaster of the greatest magnitude.

Dr. Klaus Fuchs and Dr. Bruno Pontecorvo knew about the hydrogen bomb. Pontecorvo actually vanished into Russia with his family, and has probably been working on the hydrogen bomb in Russia. Fuchs was a Communist before he came to this country for the Manhattan Project and was not properly screened because he was recommended by the British, who did no screening against Communists.

This is a good moment for the 2,500 American clergymen who signed the petition for clemency for the Rosenbergs to search their consciences. Fuchs was a member of the Rosenberg apparatus.

The Pontecorvo story is not clear. This Italian-born scientist was a British subject. He is one of the top men in the field of atomic fission. Whether he is a Communist or not, I do not know. However, he was in a \$10,000,000 suit against the United States Government in 1950, involving patents on the atomic bomb process. It was claimed that the process was invented by Drs. Enrico Fermi, Edoardo Amaldi, Bruno Pontecorvo, Franco Rasetti and Emilio Segre in Rome. A United States patent was granted in 1940 and was assigned to G. M. Giannini & Co., who was a party to the suit.

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Set Up Spy Apparatus

In fact, a thorough investigation should go back to Arthur Adams, the Russian spy, who traveled about this country freely, setting up the apparatus which eventually turned over the atomic and hydrogen bombs to the Russians. The FBI kept a constant vigil over Adams, but they were forbidden to arrest him and he finally was permitted to leave this country with a sample of plutonium.

Who protected Adams? Who stopped the FBI from arresting him? The FBI files are sealed, but the Attorney General can make this data available. The President can order that it be made available.

Dr. Klaus Fuchs and Julius Rosenberg knocked the props from under our security. What else have they stolen? What have others stolen? Why not tell the American people the whole truth, however bad it is?

The various committees of Congress, investigating espionage, are given a bad name by those who fear their disclosures and by many honest men who dislike suspicions about other Americans. But the fact is that both our atom bomb and hydrogen bomb have been stolen by spies, most of whom were American citizens. Shouting down Joe McCarthy does not solve our tragic problem—the spy continues to steal. We need to know why spies are protected.

Secrecy Stopped Suit

I have been told that when the matter came before the Atomic Energy Commission, the commissioner in charge took the position that the entire matter was top secret and therefore the suit could not be considered. If Pontecorvo got sore because he could not get his share of \$10,000,000, we have indeed paid a terrific price for an official's bad judgment. If, on the other hand, he was, even in 1946, a Soviet spy, how did we become involved with him?

The disgusting thing about this whole atomic spy business is that, despite the Rosenberg, Gold, Greenglass, etc., trials, we still do not know who let these obscure people into the Manhattan Project. What kind of security system does this country have that in an enterprise so secret, Russia could plant an apparatus inside the Manhattan Project?

Who got them in? It makes no difference whether he is alive or dead, we ought to know who got them into the Manhattan Project. We do know that the Atomic Energy Committee of the Congress was set up as a watchdog committee to see to it that the Atomic Energy Commission acted properly. The chairman of this committee was usually Brien McMahon of Connecticut. He is dead and cannot speak. During the 80th Congress, Bourke Hickenlooper of Iowa was chairman of this committee. He is alive and should tell all that he knows. General Leslie Groves, David Lilienthal, Dr. J. Robert Oppenheimer are alive; they ran the Manhattan Project and the Atomic Energy Commission. They should be required to answer the questions: How did the spies get in? Who got them in?

~~Prison Radio~~ Tells A-Spies Stay Is Gone

By the Associated Press

OSSINING, N. Y., June 3 — Doomed atom spies Julius and Ethel Rosenberg learned by prison radio during lunch today that this may be their last day on earth.

The death house radio amplifier told them the Supreme Court had vacated the stay of execution granted by Justice William O. Douglas.

The grim message came as they were having a meal of fried fillet of fish with tomato gravy, mashed potatoes and waxed beans.

Their reaction was not known immediately.

Warden Awaits Word.

Warden Wilfred E. Denno, also at lunch, said he had not yet received official word from Washington. He said if the execution goes forward tonight, the spies will be allowed a special "last meal" of their own choice instead of tonight's regular fare of hard-boiled eggs and macaroni salad.

The Rosenbergs had chatted through a heavy wire screen in the death house this morning and another visit was planned for this afternoon. Prison officials approved the visits at the couple's request last night, shortly after their scheduled execution last night was postponed.

Rabbi Drives to Prison.

On hearing of the Supreme Court decision over his radio, Rabbi Irving Koslowe immediately left his home in Mamaronck to drive to the prison.

He said he could give the couple spiritual comfort tonight before execution, even though it would be the Jewish Sabbath. The Sabbath starts at sundown tonight.

Meanwhile, Ossining Police Chief Spencer Purdy began blocking all roads leading to the prison gates to forestall any march on the prison by demonstrators.

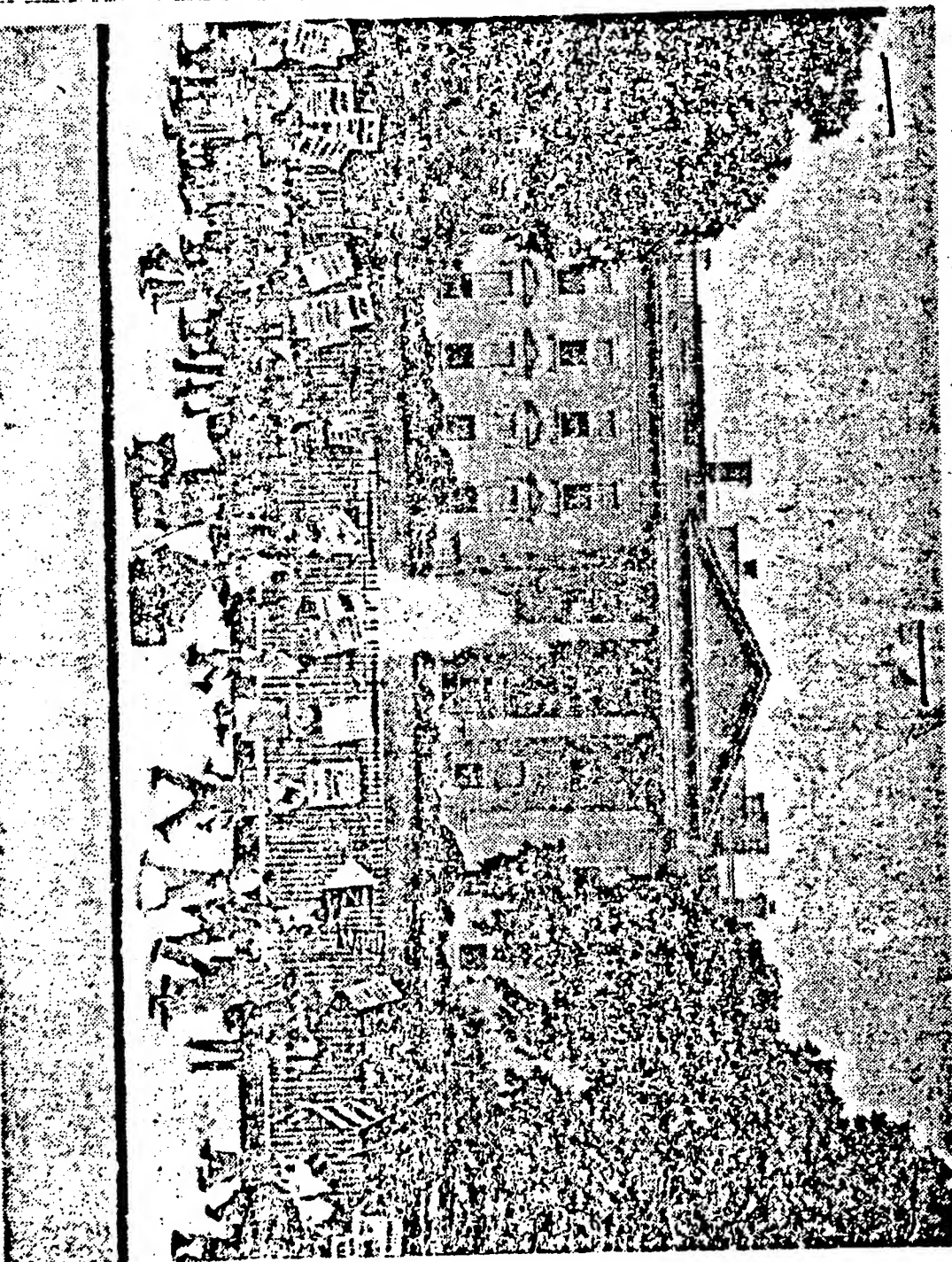
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PICKETING THE WHITE HOUSE—Pickets parade in front of the White House, urging President Eisenhower to interfere in the case of Julius and Ethel Rosenberg, convicted atom spies. The Supreme Court has ruled out their final legal hope of escaping death in Sing Sing's electric chair.



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ROSENBERGS TO BE EXECUTED TONIGHT; COURT AND PRES BAR CLEMENCY

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Split Viewed as 6-3; New Plea to Black For Stay Is Refused

By Robert K. Walsh and James Y. Newton

The Supreme Court today swept aside Justice Douglas' execution stay order in the Rosenberg case, and President Eisenhower announced he would not intervene to save the condemned atom spies.

It seemed almost certain that Julius and Ethel Rosenberg would go to their deaths in the Sing Sing electric chair tonight.

United States Marshal William A. Carroll said in New York they will die possibly before 11 p.m.

He made his announcement after receiving a telephone call from the office of Attorney General Herbert Brownell.

The Rosenberg attorneys took a last-ditch appeal for a new execution stay to Justice Black, one of the three justices who had dissented from the high court decision against them.

Justice Black, however, refused to consider the plea.

In his statement turning down the Rosenberg plea the President said they had had "the benefit of every safeguard which American justice can provide."

The President's action came swiftly after the court, in a decision generally regarded as 6 to 3, vacated the stay of execution issued Wednesday by Justice Douglas.

Later, the full court overruled two separate defense motions, both designed to postpone imposition of the death sentence on the Rosenbergs.

Two Read Formal Dissents.

Justices Douglas and Black read formal dissents against the court's decision overruling the Douglas stay order. Justice Frankfurter expressed doubts about the decision in a statement read for him by Chief Justice Vinson, and it was indicated he would prepare a formal dissent later.

As soon as the solemn-faced justices ascended the bench at noon, the Chief Justice began reading an opinion on behalf of the court. He stated that the tribunal agreed that Justice Douglas had authority to issue a stay of execution because he believed the court should look closer into a question raised for

the first time in the long series of judicial proceedings in the Rosenberg case.

The Chief Justice explained that this question was essentially whether the death sentence was legally imposed on the Rosenbergs in Federal Court in New York City two years ago after their conviction under the 1917 Espionage Act on charges of conspiracy to send atomic secrets and other national defense information to a foreign nation.

Discredit New Claims.

The issue was whether the Atomic Energy Act of 1946 rendered the lower court powerless to impose the death sentence. This act provides that a death sentence can be imposed only when recommended by a jury, and this was not the case when the Rosenbergs were sentenced under the 1917 law.

"Although this question," Chief Justice Vinson continued, "was presented for the first time to Justice Douglas by counsel not representing the Rosenbergs, and was offered for the first time to this court, the full court has considered it. We think the question is not substantive.

"We believe that further proceedings would be unwarranted. The Atomic Energy Act of 1947 does not repeal or limit the Espionage Act of 1917. We therefore vacate the stay of execution."

Douglas Stresses Study.

The Chief Justice then read Justice Frankfurter's statement and said that formal written opinions might be available later from some of the justices.

Justice Douglas then read his dissent. In a firm voice, occasionally raised to emphasize a particular point, Justice Douglas observed that he had given considerably more study to the new question at issue than had his colleagues. He recalled that he began studying it last Monday and continued all day Tuesday.

(See ROSENBERGS, Page A-3.)

Rosenbergs

(Continued From First Page.)

"At that time I had doubts that the Atomic Energy Act had application in this instance," Justice Douglas went on. "After additional opportunity with the full court to hear arguments and deliberate, now I know I am right in the law.

"I know deep in my heart that I am right on the law and, knowing that, my duty is clear."

The Justice was referring to his duty to dissent in the case.

Insists on 1946 Statute.

Justice Douglas said the record of the case showed that part of the conspiracy involving the Rosenbergs continued after the enactment of the 1946 Atomic Energy Law. This, in his opinion, was enough to require that the couple should have been tried under the 1946 statute and, if convicted, should not have been sentenced to death unless a jury so recommended.

The court's opinion overturning the stay of execution granted by Justice Douglas was a victory for the Justice Department. Late Wednesday, after issuance of the stay, the Department asked the court to convene in special session to end the stay and, if possible, overrule the Douglas belief that the newly-raised question of law should go through the lower court before being finally decided by the Supreme Court.

Referring to the Justice Department's protest that the point on the new legal question was raised for the first time 26 months after the conviction of the Rosenbergs and presented by attorneys not representing the couple, Justice Douglas exclaimed:

"No man or woman should go to death because his lawyer failed to raise a point of law."

Justice Black, who spoke after Justice Douglas, announced that he had written a formal dissent before knowing the exact written form of the court's opinion or of the Douglas dissent. He indicated he might write a further opinion later.

He nevertheless agreed essentially with Justice Douglas that the new question of law was substantial and that the execution should have been stayed at least until the lower court considered the question.

The court went into closed conference again early today prior to its return to the bench at noon.

The secret session, starting at 10:30 a.m., was a continuation of three hours of deliberation late yesterday following three hours of oral argument. Although a conference of this kind is not unusual in court proceedings, it nevertheless added to the suspense.

Crowd Arrives Early.

A crowd began lining up at 9:30 a.m. in the Supreme Court corridor in the hope of getting into the courtroom at noon.

The only other apparent course open to the Rosenbergs might be for the 35-year-old husband and 37-year-old wife to admit their guilt and tell all they know about atomic spying. But the Rosenbergs insist they are innocent, they that were convicted largely by perjured testimony, and that they would rather die than make any "deal" to save their lives.

The question whether the Rosenbergs should have been tried, if at all, under the Atomic Energy Act, instead of the Espionage Act, was first raised by two attorneys who did not represent the Rosenbergs.

These lawyers were Fike Farmer of Nashville, Tenn., and Daniel G. Marshall of Los Angeles, who had to be admitted on special motion yesterday to

address practice before the high court. Their client was Los Angeles pamphleteer, Irwin Edelman, who once lost in a Supreme Court opinion on what Justice Jackson described as a "vagraney case."

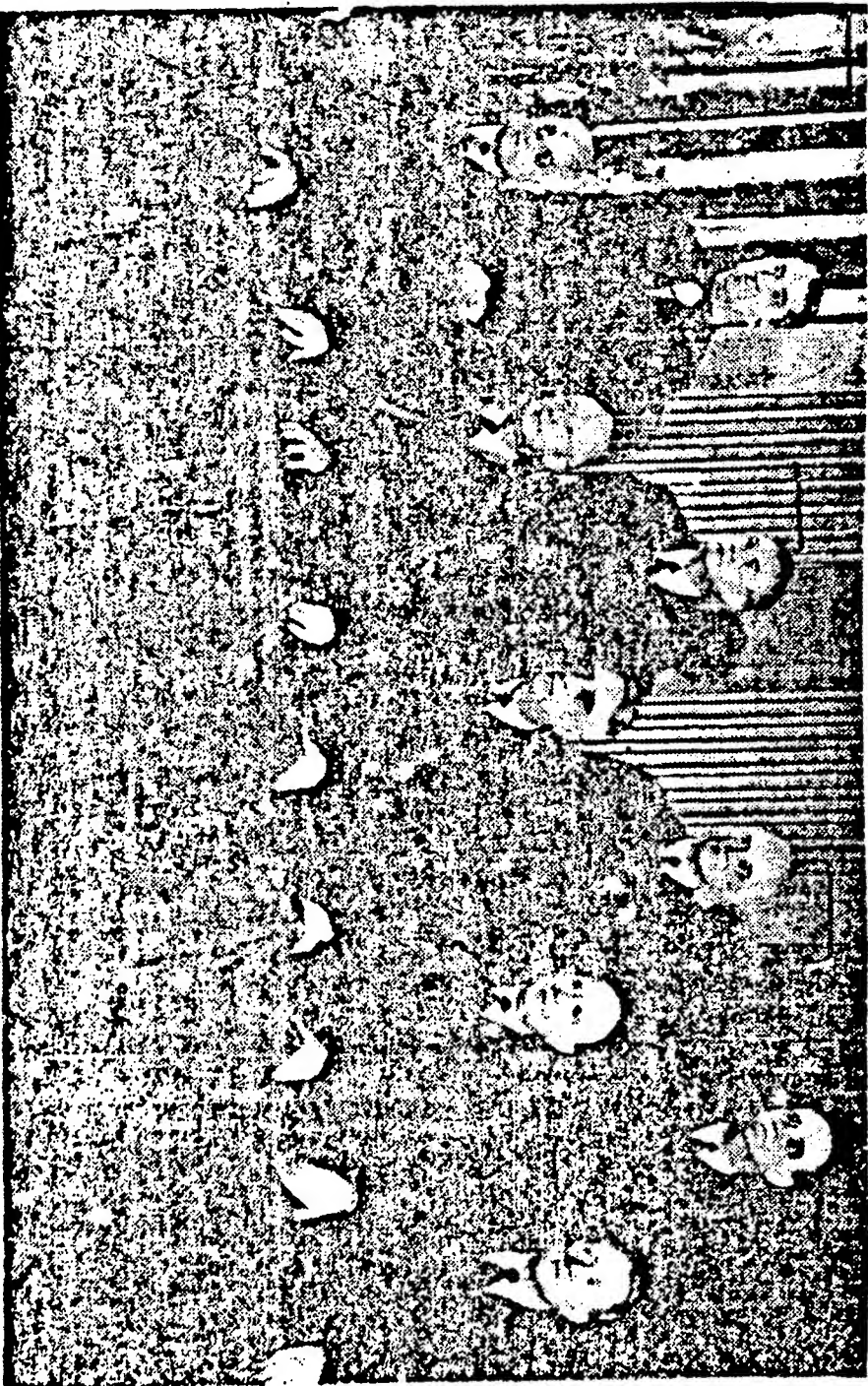
Those two attorneys protested that the convening of the special term yesterday so soon after the filing of the Justice Department's application gave the defense no real opportunity to present an adequate answer. They asserted it was "unseemly haste."

Black Questions Time.

Justice Black, the only one of the nine justices who objected to the holding of the special term yesterday, asked Assistant Solicitor General Stern whether the department attorneys thought they had sufficient time to examine the question at issue.

Mr. Stern replied they had been able to arrive at an adequate understanding and belief that the question mentioned by Justice Douglas lacked substance under the circumstances. The department spokesman insisted that the question did not justify the granting of a stay of execution, especially after the Supreme Court on five previous occasions had refused to review the Rosenberg convictions and sentences.

Mr. Stern maintained that the Rosenbergs could have been tried legally and properly only under the 1917 Espionage Act. He cited the "continuing" nature of the espionage conspiracy and the evidence that defense secrets other than atomic information were involved. He said the Justice Department would have been a "laughing stock" if it had tried to prosecute the Rosenbergs under the 1946 law.



HIGH COURT JUSTICES WHO RULED IN ROSENBERG CASE—Members of the Supreme Court which vacated the stay of execution of atom spies Julius and Ethel Rosenberg are (front, from left) Felix Frankfurter, Hugo Black, Chief Justice Vinson, Stanley Reed and William O. Douglas, and (rear, from left) Tom Clark, Robert Jackson, Harold Burton and Sherman Minton. Justices Douglas and Black voted against the decision and Justice Frankfurter apparently also dissented.

AP Photo.

Doris Fleson:

Douglas a Real Individualist

But the Liberals Who Admit He's One of Their Showpieces
Feel He Picked a Poor Time to Show That He's Different

Justice William O. Douglas is the talk of the town since he granted a stay of execution to the Rosenbergs. Even after the full bench of the Supreme Court acts and the Rosenberg case is history, the argument about the justice himself will go on.

Only the lawyers are going to pay much attention to the legal points involved in the situation. As usual, they disagree.

Generally speaking, however, in this Capital they disagree very little about Mr. Douglas' stature as a justice. He is rated highly and respected for his courage and honesty. Also he is one of the workhorses of the court. For years he has with Justice Black been responsible for a high percentage of the court's decisions. He has also fought its increasing tendency to decide by refusing to decide.

The present Supreme Court breaks little new ground, which is natural in the present ebb tide of the New Deal. But also by refusing to grant writs of certiorari it has been keeping many legal questions off the calendar that in the Douglas view it should consider.

Possibly this feeling was an element in the justice's decision to confront the court with what seemed to him new

questions in the Rosenberg case.

But it is about the justice as a person and a liberal Democrat that the present outcry centers.

Bill Douglas of the rapier mind and creative intelligence is still a symbol of the Roosevelt revolution in which he took a prominent part. He never achieved a serious candidacy for President but he has inevitably been in and of the little world of knowledgeable politicians, press and interested bystanders which is what people mean by Washington.

Liberals and Democrats both know that the public will not separate the justice from the liberal political figure named Douglas. And both liberals and Democrats feel they have been hurt.

Liberals, admitting he is one of their showpieces, mutter that he chose a poor time to be different. They feel that they suffer from the charge that they aren't tough with Communists; they expect the McCarthys to use Douglas' action to try to prove it.

Democrats groan that they have to take responsibility for him since he has been a prominent member of a Democratic administration, appointed to the court by a Democratic

President. They expect Republicans virtuously to proclaim that this proves it was time for a change.

What Justice Douglas believes is clear from his life and works and even from the Western hat he persists in wearing with a dinner jacket. He believes in freedom, justice, and the right to be different. That he is being criticized to the point of an impeachment demand for the way he has chosen to demonstrate his creed probably won't bother him unduly.

There is one trap such highly individualistic people tend to fall into, and it is as true on the right as on the left. They can't resist the special position; they must speak out when nobody has asked them. Senator Taft does it; so did the late Senator Borah.

Extremes also breed extremes. A sense of frustration is growing as Senator McCarthy and his kind ride high and the White House and State Department stand aloof. There are people in Washington who feel violent gestures must be made in answer to McCarthy's violence. This group, if it is not contempt of court to suggest it, feel that Justice Douglas agrees with them.

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White House Pickets Increase After Court Overrules Stay

Rosenberg Sympathizers Continue Their Vigil With 350 in Line

Three hundred and fifty pickets paraded in front of the White House today urging executive clemency for convicted atom spies Julius and Ethel Rosenberg.

Their numbers swelled during the morning and continued to grow as the Supreme Court turned down a final legal plea that would have saved the doomed pair from death in the Sing Sing electric chair.

But the number was small compared with the estimated 3,000 who thronged to Washington for a mass meeting yesterday.

2,594 Came by Rail.

Capt. Michael J. Mahaney, head of the police special investigations squad, said 2,594 came here by special trains from New York and Philadelphia. The remainder came in private cars.

About 30 remained during the night to picket the White House. More joined the group each hour as the morning progressed.

The pickets also were picketed. A lone woman in white carried a sign which said:

"Send the spies to the chair. Give them the hot seat."

She said she is Mrs. Peggy Lee, of Columbia, S. C.

"Hang 'Em" Signs.

Four other pickets carried placards saying "Hang 'em."

As of 6 p.m., the Rosenberg crowds were on the Mall just off Ninth street and Constitution avenue N.W., southeast of the Justice Department building. This was a short time before a second trainload of them came down from New York, stopping

PICKETS. Page 4-B

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President Gives His Reasons For Refusal to Intervene

Says Spies Have Received the Benefit
Of Every Safeguard in U. S. Justice

The text of President Eisenhower's statement refusing to interfere in the Rosenberg case:

Since its original review of the proceedings of the Rosenberg case by the Supreme Court of the United States, the courts have considered numerous further proceedings challenging the Rosenberg's conviction and the sentence

imposed. Within the last two days, the Supreme Court, convened in a special session, has again reviewed a further point which one of the justices felt the Rosenbergs should have an opportunity to present. This morning the Supreme Court rules that there was no substance to this point.

I am convinced that the only conclusion to be drawn from the history of this case is that the Rosenbergs have received the benefit of every safeguard which American justice can provide.

There is no question in my mind that their original trial and the long series of appeals constitute the fullest measure of justice and due process of law. Throughout the innumerable complications and technicalities of this case, no judge has ever expressed any doubt that they committed

—S. A. TEXT, Page 1-8—

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Mother's Radio Steps
At News of Court Action

NEW YORK, June 19 (AP).—
There was music in the apartment of Ethel Rosenberg's aging mother today, and then, suddenly, there was only silence.

When reporters called at the lower East Side flat of elderly Mrs. Tessie Greenglass shortly before noon, a radio was beating out a cheerful tune. But Mrs. Greenglass didn't want to be interviewed. "I'm sorry," she said.

Minutes later, after a radio announcement in a barbershop across the street said the Supreme Court had vacated a stay of execution for the doomed Rosenbergs, reporters returned to the apartment.

It was silent. A reporter knocked. There was no answer. At the apartment of Mrs. Sophie Rosenberg, the 71-year-old mother of Julius Rosenberg, there also was no response to the doorbell.

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The Lyons Den

By Leonard Lyons



The Communist press still is exploiting "the Rosenberg letters," which were sent from Sing Sing while the A-Bomb spies were awaiting execution. But there is another letter in the case, written by a woman whose interest in it was vital. It was written by Mrs. Tessie Greenglass, mother of Ethel Rosenberg. She wrote it to her son, David, who had testified against his sister and brother-in-law. She wrote it at the time of execution, assuring him that he must have no regrets, that in helping his government he did the right thing.

The Democratic leaders who are gathering in Chicago this week-end were discussing the late Charles Michelson, publicity director of the Dem. Natl. Comm. He had a reputation, like Jim Farley's, for never forgetting a name. "I never deserved the reputation, because the fact is I rarely mentioned names," Michelson once confessed. "Whenever I was greeted by a man I couldn't remember, I merely said, 'Well, it turned out you were right.' That always satisfied 'em."

Dennis King and Martyn Green, both British-born actors, lunched in Sardi's yesterday. King is in rehearsal with the new play, "The Strong Are Lonely" . . . "When are rehearsals over?" one of his friends asked . . . Green volunteered the answer: "In America, rehearsals end two minutes before the curtain goes up. In England, it's two weeks after."

Sen. McCarthy's next Red-hunt will be in the Department of the Budget, where his target is one of the top officials . . . Groucho Marx is coming to N. Y. for the World Series. He'll make expenses by appearing on "Show of Shows" . . . Joel Harris, now abroad, may do his first movie-direction job for a G. B. Shaw film to be produced by Gabriel Pascal . . . David Rodgers, grandson of the late great pianist, Leopold Godowsky, will be the new pianist at Billy Reed's Little Club . . . Burt Lancaster's plunge into TV will be with Martin & Lewis.

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Set Up Trust Fund for Sons Of Rosenbergs

Establishment of a trust fund for the young sons of Julius and Ethel Rosenberg, the couple executed last June for atomic espionage, was announced today by their attorney, Emanuel H. Bloch.

Bloch said he could not at present estimate how much money was available from contributions and from the sale of a book of letters written in prison by the condemned couple. He announced that further contributions were being sought in an attempt to establish a \$75,000 fund for the maintenance and education of the two sons, Michael Allen, 30, and Robert Harry Rosenberg, 6.

Bloch said he had been named in the couple's will, which has not yet been offered for probate, as guardian of the youngsters who are now living with a family in southern New Jersey.

Bloch said four persons had agreed to serve with him without compensation as trustees of the fund. They were identified as Shirley Graham, author, and wife of Dr. W. E. B. Du Bois, Negro writer and educator; Yuri Suhl, Yiddish writer; James Aronson, editor of the National Guardian, and Malcolm Sharp, professor of law at the University of Chicago Law School.

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J. H. [Signature]

Atom Spies' Children Ousted By Toms River School Chief

Rosenberg Lads
'Not Residents'

By the United Press.

TOMS RIVER, N. J., Oct. 12.—

The two young sons of executed atom spies Julius and Ethel Rosenberg have been ordered to leave Toms River Elementary School because they are not legal residents of the school district.

Clyde Slocum, supervising principal of the Toms River school, said last night the youngsters were told they must leave soon, but he denied there was any attempt made to discriminate against them because of their name.

For the past 18 months, Michael Rosenberg, 10, and his brother, Robert, 6, have been boarding with Mr. and Mrs. Bernard Bach, five miles from Toms River.

N.Y. WORLD TELEGRAM & SUN

OCT 12 1953

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Long Loyal Friends.

The Bachs were long and loyal friends of the Rosenbergs, who died in Sing Sing Prison June 19. It was while the Rosenbergs were fighting their case through the courts a year and a half ago that the children were moved secretly from a three-room apartment in Manhattan to Toms River.

The Rosenbergs complained bitterly that the youngsters were being hounded and persecuted. Mr. Bach, a salesman, volunteered to give them a "normal home with playmates and friendship." He refused to change their name when he entered them in the school because "they had nothing to be ashamed of."

Michael, a music student, rose to become president of his class last year. Both boys made friends easily and school principal De Witt Ricketts said they were "well-advanced and unassuming lads."

Tells of Visit.

Mr. Slocum said he visited Mr. Bach last Thursday and told him Michael and Robert would have to withdraw unless they established legal residence within the school district. Mr. Slocum said local schools were "hopelessly overcrowded" and that the Board of Education had to enforce a regulation excluding anyone but resident students.

Contacted at his home, Mr. Bach said the entire matter was in the hands of Emanuel Bloch, the New York attorney who defended the Rosenbergs and became legal guardian of the children at the request of the doomed parents.

Mr. Slocum said Mr. Bach was under no ultimatum to remove the children.



Associated Press Photo.

Michael Rosenberg, left, and his brother Robert.

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Two Rosenberg Boys Ordered To Leave New Jersey School

Toms River, N. J., Oct. 12 (U.P.)—The two young sons of executed atom spies Julius and Ethel Rosenberg have been ordered to leave Toms River elementary school because they are not legal residents of the school district.

Clyde Slocum, supervising principal of Toms River School, said last night the youngsters were told they must leave soon, but he denied there was any attempt made to discriminate against them because of their name.

For the past 18 months, Michael Rosenberg, 10, and his brother, Robert, 6, have been boarding with Mr. and Mrs. Bernard Bach in a trim, six-room country home, five miles from Toms River.

The Bachs were long and loyal friends of the Rosenbergs,

who died in Sing Sing Prison on June 19. It was while the Rosenbergs were fighting their case through the courts a year and a half ago that the children were moved secretly from a three-room apartment in Manhattan to Toms River.

The Rosenbergs complained bitterly that the youngsters were being hounded and persecuted. Bach, a salesman, volunteered to give them a "normal home with playmates and friendship." He refused to change their name when he entered them in the school because "they had nothing to be ashamed of."

Slocum said he visited Bach last Thursday and told him Michael and Robert would have to withdraw unless they established legal residence within the school district. Slocum said

local schools were "hopelessly overcrowded" and that the Board of Education had to enforce a regulation excluding anyone but resident students.

In Hands of Lawyer

Contacted at his home, Bach said the entire matter was in the hands of Emanuel Bloch, the New York attorney who defended the Rosenbergs and became legal guardian of the children at the request of the doomed parents.

Bach said Bloch had spoken to Slocum and offered to pay tuition for the boys as non-residents, but that it was turned down. Slocum said he would not comment on the offer, but said the matter "could be straightened out in 24 hours if the legal residence of the children is changed."

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Late News

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ROSENBERG SHIFT PLANNED

Toms River Couple May Become
Legal Guardians of Spies' Boys

Special to THE NEW YORK TIMES.

TOMS RIVER, N. J., Oct. 12—

The possibility of assuming legal guardianship of the two sons of Julius and Ethel Rosenberg, the atom spies who were put to death in June, was being considered today by Mr. and Mrs. Bernard Bach, with whom the boys have been living here.

This step would make it possible for Michael, 10 years old, and Robert, 6, to fulfill legally a residence requirement and continue as students at the Toms River elementary school, which they have been attending for more than a year. The boys had been asked to leave the school after the Board of Education decided to enforce a policy of admitting only resident students.

The boys' legal guardian is Emanuel Bloch, defense counsel for the Rosenbergs, who lives in New York. Technically this makes New York City the legal residence of the Rosenberg children. Clyde Slocum, supervising principal of the Toms River schools, said today he had asked Mr. and Mrs. Bach to give him some assurance within a week that the boys would be made eligible as students.

N.Y. TIMES

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Night Extra

The two young sons of ex-Michael, 10, and Robert, 6, for they are not considered "legal residents," because the Bachs ordered the public school. Clyde Slocum, supervising principal of the Toms River, N. J., "because of the Toms River public school, that the Board of Education had decided to enforce a regulation excluding any but resident pupils. Although the Rosenberg boys live within the school district, in the death house had "given the children, has days grace. It was learned that Bloch, when informed of this, visited Slocum and offered to pay tuition, but was turned down. Slocum conceded that the boys had been ordered to leave the school but denied that they had been ordered to leave by this week. "They will be given reasonable length of time to make up their minds," he said. Slocum said the schools, which serve four communities, were "jammed to the doors," and that the order to remove the Rosenberg boys was not an attempt to

Bach said Slocum ordered the children out of the school last Thursday, and gave them seven days grace. It was learned that Bloch, when informed of this, visited Slocum and offered to pay tuition, but was turned down. Slocum conceded that the boys had been ordered to leave the

Continued on Page 6

school but denied that they had been ordered to leave by this week. "They will be given a reasonable length of time to make up their minds," he said.

Slocum said the schools, which serve four communities, were "jammed to the doors," and that in the order to remove the Rosenberg boys was not an attempt.

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New Jersey School Ousts The Rosenberg Children

Continued from Page 5

discriminate against them because of their parents, but merely aimed at relieving overcrowding.

Toms River, a farming community, has much itinerant labor, and children of the migrant workers are admitted to the public schools for short periods, although they are not legal residents of the district.

Bach said that after Slocum's visit he called the secretary of the Board of Education and was told that the case of the Rosenberg children had not been discussed. "Any action which might be taken would come from Slocum himself," Bach quoted the secretary as saying.

Bach's wife, Sonia, said that when she registered the boys in the school in September, 1952,

Slocum told her, "It would be advisable to change their last names so the other children won't know who they are."

Mrs. Bach added, "I told him they have nothing to be ashamed of."

Bach said he and his wife were considering adopting the boys. "We'd love to adopt them," he said.

DeWitt Ricketts, the elementary school principal, said the Rosenberg boys were quiet and unassuming, and had had no difficulty in getting along with other pupils.

Mrs. Bach said, "Michael is above average in his class, and report cards of both boys show they are getting along well with the other children."

Michael was elected president of his fifth grade class last year.

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NEW YORK, TUESDAY, OCTOBER 13, 1953

Where There Is No Pity

In Toms River, N. J., the Board of Education has ruled that Michael and Robert Rosenberg, aged 10 and 6, must soon leave the public school there because "they are not resident students."

If their parents resided in Toms River, no such problem would have arisen. But the children are delinquent on this point, and there is little they can do about it. Their parents aren't around. They were atomic spies and they were executed at Sing Sing.

We have no particular opinion about the general merit of the rules under which the Toms River Board of Education usually operates.

But we have a strong opinion about the condition of the hearts of men who insist that any rule be arbitrarily applied to these defenseless children.

It may be, as the school superintendent now suggests, that the fate of the children is complicated by a controversy over guardianship.

Surely, however, this is a case in which every technicality ought to be waived and none should have been raised.

In the Soviet tyranny children are held responsible for the political heresies of their parents. We pride ourselves on believing that no such inhumanity is practiced here.

Yet now two kids who have suffered more than enough for events far beyond their comprehension are once again thrust into the spotlight on a crude technical pretext. Whatever small measure of serenity they may have acquired since the execution of their parents is suddenly shattered; they are marked "men."

There is every evidence that the people of Toms River warmly accepted the Rosenberg children. There was no hounding or harassment; the community tried to make things tolerable for two pitiful creatures whose lives have been so cruelly marred by circumstances infinitely beyond their control.

But the pillars of the Board of Education had different ideas. They studied the rule-book. They laid down the law. How do they sleep at night?

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2 Rosenberg boys told to leave school

Special to The Star-Ledger

TOMS RIVER—The two young sons of executed atom spies Julius and Ethel Rosenberg have been told they must leave Toms River Elementary School by Thursday, "because they are not resident students," The Star-Ledger learned yesterday.

Clyde Slocum, supervising principal of Toms River, refused to confirm or deny the report, but it was learned he had personally informed the foster parents of the boys they would not be permitted to attend school here.

According to Mr. and Mrs. Bernard Bach, with whom Michael Rosenberg, 10, and his brother, Robert, six, have been staying for a year and a half, Slocum visited them Thursday and gave them seven days in which to remove the boys from school.

Bach said Slocum informed them the Toms River Board of Education had decided to enforce a regulation excluding anyone but a resident student from classes, and that the Rosenberg boys were not considered residents because the Bachs are not their legal guardians.

However, Bach said, he checked with the secretary of the Board of Education and was told that the Rosenberg situation had never been discussed "and that any action that might be taken would come from Slocum himself."

"SENSE IS CORRECT"

The supervising principal refused to confirm his ultimatum to Bach. He would not answer when asked if such action against the two youngsters was contemplated.

When asked about a quotation

(Continued on Page 2)

2 Rosenberg boys told to leave school

(Continued from Page One)

attributed to him in which he said, "There has been a rapidity of growth and we cannot discriminate and allow these two children to stay and refuse 20 others who knock on our door daily," Slocum said:

"The general sense is correct, but I do not recall using the word 'discriminate.'"

Slocum angrily asked where The Star-Ledger had gotten the quotation, and when the source was not divulged, he said, "I refuse, then, to answer any more of your questions."

According to Bach, Slocum told them another reason the children would have to leave school is because newspapermen had visited Toms River during the atom spy trial, taken pictures and "given the town a black eye."

Mrs. Bach said that when she registered the boys at the school last year, Slocum told her that "it would be advisable to change their last names, so that the other children don't know who they are."

"They have nothing to be ashamed of," Mrs. Bach said she told Slocum.

The principal of the school, Dewitt Ricketts, said the boys were quiet and unassuming and have had no difficulty with other members of the school body.

"They receive no special treatment," Ricketts said, "and I couldn't even tell you off-hand if Michael is in the fifth or sixth grade. He's just a boy in my school and so is his brother."

Mrs. Bach confirmed the boy's acceptance in the community and pointed out that Michael last year had been elected president of his class.

"Michael is above average in his class, and report cards of both boys show they are getting on well with the other children," she said.

The legal guardian of the two youngsters is Emanuel Bloch, the New York attorney who defended their parents in the atom spy case.

Mrs. Bach said Bloch spoke to Slocum and offered to pay tuition for the boys as non-residents, but was turned down.

Although Slocum denied it, it was learned that the elementary school, which serves 1,800 children of four surrounding communities, does have the children of itinerant farm workers among its students.

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ROSENBERG CHILDREN HELD 'PLOT' VICTIMS

Emanuel H. Bloch, guardian of the two children of the executed atom spies, Ethel and Julius Rosenberg, charged yesterday that their imminent exclusion from the public school in Toms River, N. J., was "some kind of a political plot."

Mr. Bloch, in an interview here, said the school's principal, Clyde Slocum, had told him that the children had to be "either legally adopted by residents of the school district or must be out of the school by Friday."

Mr. Bloch said he had no intention of being "forced, at a moment's notice, into an action as irrevocable as adoption." The boys, Michael, 10 years old, and Robert, 6, have been living since June, 1951 with Mr. and Mrs. Bernard Bach, long-time friends of the Rosenbergs, in Toms River.

"I wonder," said Mr. Bloch, "if Mr. Slocum is acting on his own or got orders from someone. And I'm wondering, too, what the aim of this move is. I have heard that agents of the Federal Bureau of Investigation have been in Toms River in the past two or three weeks asking questions about the Bachs."

Mr. Slocum, reached at his office, said that Mr. Bloch need only comply with the school board policy, which says in part that "children of residents of the Toms River school district shall be enrolled . . ."

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The Sins of the Fathers

THE NEWS FROM Toms River, New Jersey, is shocking. The children of Julius and Ethel Rosenberg, the atomic spies, live there with friends. They are to be denied schooling on a technicality. The children are reportedly well-behaved. One son was elected president of his class.

The persecution of these children because of the crimes of their parents is not the American way. It is not the Christian way. It is the Soviet way.

THE AMERICAN way is to exert every effort to give these orphans a fair chance to grow up to be decent, patriotic, fine men. No stigma attaches to them. If brought up in a just and characteristic American environment, they may one day realize that their parents erred.

If ejected from a school where they do well and where the children like them they could become embittered for the rest of their lives, believing that there is no justice.

Apparently the children of Toms River show better sense than some of their elders.

Give these Rosenberg kids a chance to grow up as Americans!

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R. W. Clarke - Editor

THE CHILDREN ARE INNOCENT

We move that the Toms River, N. J., Board of Education reconsider its ruling that the 6- and 10-year-old sons of the executed atom spies Julius and Ethel Rosenberg must quit the Toms River elementary school.

True, as the board says, the children aren't residents of Toms River; have only been living there with a Mr. and Mrs. Bernard Bach. But isn't this a pretty technical reason for thumbing a couple of innocent children out of a school? They knew nothing of their parents' crime. It should in no way be visited on them. How about a splash of the milk of human kindness in their case?

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Deny Ruling Is Aimed At 2 Rosenberg Boys

(Special to THE NEWS)

Toms River, N. J., Oct. 14.—Toms River grade school Principal DeWitt Ricketts said today that at least 10 pupils have been refused admittance to the local grade school since last month.

Ricketts said the same ruling was invoked in these cases as in the case of Michael and Robert Rosenberg, 10 and 6-year-old sons of executed atom spies Julius and Ethel Rosenberg.

Cite Crowded Conditions

Ricketts said that the ruling which prohibits enrollment of non-resident students was made because of increasingly crowded conditions at the school, which currently houses more than 1,800 pupils.

Superintendent of Schools Clyde W. Slocum declared there would be no objection to the Rosenberg

boys attending school here if they were adopted. Mr. and Mrs. Bernard Bach of Whitesville Road, with whom the boys have been living since June, 1952, have indicated they might adopt the youngsters.

The current legal guardian of the boys is Emanuel Bloch, New York attorney who defended their parents throughout the atom spy case.

Slocum again denied today that he had given the Bachs until tomorrow to withdraw the boys from school. Ricketts indicated that the Bachs had been given until that time to let school authorities know their intentions in regard to adopting the children.

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A Mischievous Act.

The crime of Julius and Ethel Rosenberg was awful in its enormity—an evil deed which contains the seeds of the mass destruction of mankind.

The two Rosenberg children are innocent of any connection with the infamous acts of their parents.

The two—Robert, 6, and Michael, 10—already have suffered deeper wounds than should be the lot of any child. They were used in a heartless and cynical fashion during the calculated propaganda convulsion loosed after the Rosenberg conviction.

Now, in their wisdom, school authorities of Toms River, N. J., have decided that the Rosenberg children must leave school because technically they are non-residents.

This is a mischievous ruling. It's an inhumane act toward two orphaned children whom the fates have used cruelly. Moreover, it offers fodder for the mouthings of the Kremlin apologists. The damage the ruling has done must speedily be undone by permitting the two children to remain in school.

In a spirit of charity and generosity, this country should offer these children the opportunity to grow up as normal, useful citizens. Above all, they should never be taxed with the sins of their parents.

Editor - R.W. Howard

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Bias Denied In Rosenberg School Case

Toms River, N. J., Oct. 15 (AP). —The local school principal denies discrimination against the two sons of executed atom spies Julius and Ethel Rosenberg in a ruling that the boys must leave school here unless adopted by a Toms River resident.

DeWitt Ricketts said yesterday the local Board of Education decided four years ago that only legal residents be allowed to attend Toms River schools and that since then 40 children have been refused admittance.

The Rosenberg boys, Michael, 10, and Robert, 6, are staying with Mr. and Mrs. Bernard Bach here and attend Toms River Elementary School. Their legal guardian, however, is Emmanuel H. Bloch of New York, who was defense attorney for the Rosenbergs during their trial.

Early this week, Bloch accused the board of singling out the Rosenberg boys "because they are the children of Julius and Ethel Rosenberg." The Bachs were informed last week of the school regulation and were asked to decide whether to adopt the children.

Ricketts said schools in Toms River are overcrowded and that another is under construction. In the past month, he said, 10 children have been refused admittance under the same regulation being applied to the Rosenberg boys.

"People were sending children to board in the school district and attend Toms River schools, and the system couldn't handle them," Ricketts said.

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Night Extra

Pupils and Teachers Back Rosenberg Boys

By MITCHEL LEVITAS
New York Post Correspondent
Toms River, N. J., Oct. 16—
The unresolved controversy over whether to allow the two sons of executed atom spies Julius and Ethel Rosenberg to continue their schooling here has left a wake of troubled emotions in this otherwise placid town.
For despite the split in public opinion on the school issue, there

is universal sympathy for Michael, 10, and Robert, 6, as the innocent victims of their parents' betrayal.
The controversy began last week when school authorities invoked a section of the State Education Law which prohibits the attendance in a district school of any children whose legal guardians live outside the district. Although the Rosenberg chil-

dren have been living continuously with a family that meets the requirements, their legal guardian lives in New York.
The majority of townspeople is knowingly acting on their emotions in pleading the children's case. These say: "Let there be an exception to the rule this once. These kids have been through enough already." But a large minority says: "If

there's a rule, its got to be obeyed. We're only sorry that its got to be the Rosenberg children."
Ironically enough, the boys' strongest support comes from the two groups least able to implement their feelings—the students and the teachers.
The students, who are in no position to pressure the school board, see Michael and Robert as

two of their own classmates who have succeeded in becoming popular on their personal merits—despite the reputation of the elder Rosenbergs.
Many of the teachers, bound by the policy of their superiors, privately express similar views. They know the possible consequences of making an exception to the rule but apparently are
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Pupils, Teachers Back Rosenberg Boys

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willing to do so nevertheless. And they add that if the school board wanted to invoke the law, it should have been done before the current semester began, not after.

One youngster, who knows Michael as a "nice guy," says: "I'll be sorry if he goes." Another said Robert "was fun," as if that was reason enough for remaining.

A teacher had heard reports from colleagues that the boys were "on good terms with their fellows" and "bright as students."

"It will be a shame if they are forced to leave," she said.

No specific deadline has been set for the next move. The Bach family with which the boys live has been given "a reasonable time" to decide whether to move

for adoption, and thereby solve the problem.

The editor of a local newspaper summed up the situation this way:

"It's a human instinct to want to shelter these kids, and I think a relatively high percentage of people believe that raising the legal barriers would be in order.

"But at the same time they can't entirely forget their respect for the law and therefore aren't going out of their way to act on their feelings."

The elementary school principal, DeWitt Ricketts, is incensed at the deluge of publicity about the case. He believes it only "makes more grist for the Communist mill."

"We are only being democratic," Ricketts said. "We're applying the same rule to everybody . . . as we have done on all other occasions. We're not go-

ing to appease the Communists by making the Rosenberg children an exception."

Most of Toms River agree with Ricketts about the publicity but they differ on the wisdom of the action. "We shouldn't be stopped by the Communists from doing what's right," one person said.

Meanwhile, even among the sympathetic majority there is disagreement over the final outcome of the issue.

"Will the school board change its mind or will it not?"

These are the final echoes of conflicting emotions.

ONE MAN SAYS • By Robert M. Grannis

Wonder if the loyal supporters of the Rosenbergs still want to erect a monument in their memory? How could there be so much evil packed into one human frame? Julius Rosenberg's reported connection with the radar spy ring is as revolting as the atom espionage. The radar system is designed to protect the lives of innocent citizens and once Russia knows all about it her bombers could have a field day. What a hell's broth this plot was. First give them the weapon and then pass on the information about the defense against it. Hanging or electrocution is too good for such human vermin. Spies of this nature ought to suffer as their intended victims would in the event of attack. And just imagine. There still are people who berate Commie investigating committees as un-American! How can they be so stupid.

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Late News

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Harrison

THE HERALD STATESMAN

Rosenberg Issue Continues, Riverdale Holy Name Is Told

RIVERDALE — Despite the execution of Julius and Ethel Rosenberg, the propaganda campaign waged in opposition to the government's fight to bring justice to the convicted atom spies is still going on, the Holy Name Society of St. Margaret's Church was told Monday by James B. Kilsheimer 3d, assistant U. S. attorney and member of the society.

Mr. Kilsheimer, who played a major role in the prosecution of the Rosenberg case, asserted that the propaganda campaign waged by the Communists and other friends of the Rosenbergs is still "rolling along."

"The Committee for Justice in

the Rosenberg Case, organized to mouth the propaganda, is still in existence," Mr. Kilsheimer said. "Last month, fully two months after the execution, it was still powerful enough to draw 5,000 people to a rally at Randalls Island."

"Never has a case been so vigorously fought by the defense. Counsel for the Rosenbergs was in court on more than 30 occasions after the conviction, and in each instance the government won its point."

Mr. Kilsheimer urged the Holy Name Society and other organizations, notably the American Legion, to try to find out what the true facts are in the still-

THE HERALD-STATESMAN

Yonkers, NY

October 15, 1953

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The Rosenberg Story

By BOB CONSIDINE

AN IMPORTANT book has been published in defense of American justice. It is "The Rosenberg Case—Fact and Fiction," by Dr. S. Andhil Fineberg, former marine, president of the National Association of Jewish Community Relations Workers, and author.

Published by a firm named Oceana Publications today, it will not get a very good review in "The Daily Worker." It is a book of truth. Perhaps only one other man could have done better—Federal Judge Irving Kaufman—and it is not the desire of this man of tremendous character and nobility to write about the case.

About the last "official" statement about the Rosenbergs came from their attorney Emanuel H. Bloch who, in addition to shouting that he was ashamed of being a U. S. citizen also said, "This was the face of Nazism that killed the Rosenbergs. I place the murder at the door of President Eisenhower, Attorney General Brownell and J. Edgar Hoover. This is not American justice. America today is living under the heel of a military dictator garbed in civilian attire."

Same Man Said This

Lawyer Bloch, who has done pretty well in this dictatorship he speaks of, figures prominently in Dr. Fineberg's book. The Bloch who put on the show at the funeral parlor and at the grave is the same Bloch who said at the close of the trial, "I want to extend my appreciation to the court for its courtesies, and again I repeat I want to extend my appreciation for the courtesies extended to me and my staff by Mr. Saypol and the members of his staff, as well as the members of the FBI."

To the jury he said, "...A lawyer does not always win a case; all that a lawyer expects is a jury to decide a case on the evidence with mature deliberation. I feel satisfied by reason of the length of time that you took for your deliberations, as well as the questions asked during the course of your deliberations, that you examined very carefully the evidence and came to a certain conclusion."

Dr. Fineberg, like unto all students of this unique test of the Espionage Act of

1917, was attracted by what seemed to this reporter the most fascinating part of the story: who tipped off the Kremlin that the Rosenbergs would not "talk" and who kept them silent while the eds spent millions propagandizing them? You must read Dr. Fineberg's book to get the low-down.

For a full year after the arrest of the Rosenbergs they were ignored by the Communist press. "The Worker" did not cover their trial. Then, acting in concert in November, 1952, Communist papers and writers and followers of the Red line opened up a world-wide campaign to "save" the Rosenbergs. There were mass meetings in African jungles, and the propaganda program assumed so many false guises that even Pius XII, the earth's foremost opponent of Communism, felt it necessary to inform Washington of the pleas for intercession he was receiving.

Dr. Urey's Role

Dr. Fineberg calls Dr. Harold Urey, famed nuclear physicist now with the University of Chicago, "the chief witness of the propaganda campaign." Dr. Urey cast public doubt on the testimony of David Greenglass, Mrs. Rosenberg's brother, whose testimony helped to convict the pair, and in other ways lent his name to a movement which Dr. Fineberg finds to have been Communist inspired and Communist directed.

The Reds did a good job with the Rosenbergs, two thoroughly indoctrinated and dedicated Communists who readily entered into the machinery which led to their deaths.

The Reds persuaded perhaps millions through the world, and a lot of people in this country, that the pair was railroaded. The Rosenbergs, Dr. Fineberg points out in great detail, were but smokescreens for the Kremlin's vicious purges of Jews behind the iron curtain.

It is to be hoped his book reaches at least some of the people who fell for the biggest line of hokum the Reds have dumped on the world since the posed as allies in World War II.

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The Case of the A-Spies

—and the really brilliant organizational activities of Julius Rosenberg. We now know that he penetrated both Los Alamos and Fort Monmouth, where he established competent espionage cells that managed to steal our offensive and defensive weapons. He managed to keep his cells under cover long enough to do his satanic work. His cells stole our atomic and hydronuclear secrets, our proximity fuse, and our developments in radar. This much we know. How much more he did, we do not know.

* * *

A READABLE and in many respects an important book on this subject has recently appeared which everyone should read. It is "The Rosenberg Case," by Rabbi S. Andhil Finberg and is published by the Oceana Press.

Rabbi Finberg, a veteran of the Marine Corps, is associated with the American Jewish Committee. He has studied the Rosenberg case and its ramifications throughout the world. He gives evidence of a profound understanding of Rosenberg and of the use that has been made of this case in the scheme of Russian propaganda. It is a much needed book.

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PLEA FOR ROSENBERG BOYS

Bloch, in Canadian Appeal, Says
No One in U. S. Wants Children

WINNIPEG, Dec. 21 (Canadian Press) — The Rosenberg children, Michael, 10 years old, and Robert, 4, are not wanted by anyone in the United States, Emanuel H. Bloch, defense lawyer for their parents, said yesterday.

Even the parents of the two atom spies executed last summer do not want the children, Mr. Bloch told a meeting called by the Winnipeg Committee for the Rosenberg Children Trust Fund. After Mr. Bloch's appeal, \$500 was collected from the audience.

The children now are at a small town school in New Jersey, Mr. Bloch said, but the school board has given notice that they must leave by the end of this year.

The lawyer, who is the guardian of the children and one of the five members of the board of the trust fund, said that at one institution other children had called Michael Rosenberg a "little spy."

Several persons in a number of countries have requested that the children be taken out of the United States, he added.

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'Worker' Bars Book Ad on Rosenbergs

The Daily Worker, the Communist newspaper which regularly runs tearful appeals for funds to keep operating, has turned down a \$25 book advertisement because the subject of the volume is too "controversial," according to the book publisher.

Phillip F. Cohen, head of Oceana Publications, 43 W. 16th St., Manhattan, said today he was turned down when he tried to put the ad for Dr. S. Anshil Fineberg's anti-Communist book, "The Rosenberg Case—Fact and Fiction," in the Worker. A spokesman for the Worker refused to comment.

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J. Harrington
#6

Rosenberg's 2 Children Taken From Couple

(Special to THE NEWS)

Toms River, N. J., Jan. 6.—The two small sons of executed atom spies Julius and Ethel Rosenberg—Michael, 11, and Robert, 6—have been taken out of the Toms River elementary school and away from the local couple who had hoped to adopt them, it was learned today.

Mr. and Mrs. Bernard Bach, who cared for the boys for 20 months, said the children were moved about Christmas time by Emanuel H. Bloch, attorney for the Rosenbergs.

Bloch, legal guardian for the boys, did not say where they are now, except that they are in another school.

The Toms River school board ruled last October that the Rosenberg children could not continue to go to school here because they were not legal residents.

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REDS AIM TO 'TRY' ROSENBERGS AGAIN

City Bar Unit Discloses Move Is Being Mapped at Vienna 'Conference' of Lawyers

By WILL LISSNER

The Communists are trying to organize a propaganda "trial" around the case of Julius and Ethel Rosenberg, executed American atom spies.

In preparation for this maneuver, Communists and fellow-travelers associated with the Soviet "peace partisan" campaign are holding a meeting in Vienna this week. In attendance are lawyers of various countries, especially the Soviet Union and the Soviet satellite states.

The meeting was called in the name of the "International Conference of Lawyers for the Defense of Democratic Liberties." Its initial purpose is to direct the fire of leftist, fellow-traveler and duped lawyers at the efforts of the free world to curb the activities of Soviet agents abroad.

These developments were disclosed in documents from the "conference" made public yesterday by Methuel M. Webster, president of the Association of the Bar of the City of New York.

The documents included one from the initiating committee, reporting it had adopted a resolution approving the action taken by a group of Belgian Communist lawyers "for the setting up of an international tribunal for the holding of a Rosenberg counter-trial."

In distributing them, the Bar Association attached a memorandum declaring:

"It quickly becomes obvious that this so-called 'International Conference' is a crude Communist attempt to mislead the lawyers of the world into sponsoring a Communist propaganda front hiding behind apparently high-sounding democratic principles and purposes."

Mr. Webster had been invited to be a sponsor of the conference, and the association had received two invitations to attend

the meeting. In a reply sent on Dec. 31, Mr. Webster had called the attention of the initiating committee to the fact that lawyers from the Soviet Union and from other Communist countries would be present.

Principles to be considered at the meeting, Mr. Webster had noted, included:

"Guarantees of freedom of opinion and association, the principles of universal suffrage, the right of peoples to self-determination and a full life, the independence of the judiciary, the rights of the defense, the arbitrary powers of the police, abuse of preventive, administration or police detention."

Mr. Webster commented that information coming out of the Soviet Union and its satellite countries indicated that these principles were not recognized by Communist Governments. Citing the purge trial and execution of Lavrenti P. Beria and the trials of Cardinal Mindszenty in Hungary and William Oatis in Czechoslovakia, he proposed that the Communist country delegates be asked how they reconciled these procedures with the conference's principles.

The association's memorandum asserted that the initiators of the "conference"—Giuseppe Nigli of Rome, John Elton of London and Gerard Lyon-Caen of Dijon, France—"have a record of adherence to the Communist cause."

"It is shocking to find," th

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BOHN

THE HOME FRONT

By William E. Bohn

Rosenberg Case Six Months After

JULIUS AND ETHEL ROSENBERG were executed shortly after 3 p. m. last June 19. They were two rather ordinary persons who had committed treason against their country. Six months after their execution appears a book entitled *The Rosenberg Case—Fact and Fiction* (Oceana Publications, \$2.50). Written by a member of the Central Conference of American Rabbis, Dr. S. Andhil Fineberg, and running to 159 pages, it gives a detailed and careful account of the Rosenberg trial and of the propaganda campaign which the Communists and their supporters waged in connection with it.

What good purpose can this volume serve? The case is finished. The Rosenbergs had many days in court. Their crime was proved. Their sentence was carried out. Why can we not be allowed to forget them? The reason is an important one. This case gives us a look into the heart of Communism. It shows what sort of people Communists are and how they operate.

At this late date, there is no need to discuss the problem of guilt. There is no such problem. I attended the trial. I listened, just as the jury did, to the evidence. I saw revealed the web of espionage beginning with Igor Gouzenko in Canada, crossing the Atlantic to Allan May and Klaus Fuchs, returning to this country and Harry Gold and David Greenglass, and, finally, enfolding Julius and Ethel Rosenberg. There was not merely the testimony of one or more persons against the defendants. There was the

treason which touched the pair in various ways and caught them so tight that escape was impossible.

During the final desperate effort to win a reduction of the sentence, the defense sought sympathetic statements from all twelve of the jurors—and got nothing from any of them. The men and women who heard every word of the testimony and looked every witness in the eye were convinced that the verdict was just and that the sentence was not excessive.

A rapid digest of the defendants' testimony, displayed side by side with the evidence against them, brings back a conviction strongly impressed upon me during the trial. These two people, facing death, practically gave no testimony. They stonily denied statements made by Government witnesses, but that was all. Now suppose that they had been innocent. Imagine how many witnesses and how many sorts of testimony they could have produced in their favor. They had friends, who knew how they thought, what they did, how they spent their time. They could have introduced witnesses to prove that at any particular time they were not running Moscow's errands; that they were, in fact, not the sort of people who do that sort of thing. But there was not a single word of direct evidence in their favor.

Through a dramatic example, Dr. Fineberg shows the difference between democratic justice and Communist terror. Willi Goettling was a

June 17, 1953, two days before the execution of the Rosenbergs, he was arrested for a "crime against the state." He was executed within 24 hours. His arrest was not announced until after his execution. The Rosenbergs had a trial which ran for 23 days before a jury. Their sentence was appraised seven times before the U.S. Court of Appeals. The Supreme Court considered it seven times. Two appeals were made to the President. This is a picture of the difference between justice in a democracy and oppression in a dictatorship. If Dr. Fineberg were writing now, he might well cite the case of Lavrenti Beria. He was tried, sentenced and executed—and only then was the public informed what had happened.

The Communists didn't say much about the Rosenbergs until the sentence had been pronounced. Obviously, they feared the couple might confess and involve the party. Even two years after the arrest, there was little excitement about the case in Europe. And then something happened. On November 20, 1952 began the trial of Rudolf Slansky and thirteen other defendants in Prague. Eleven of the fourteen were Jews. Within a few days, the trial was over and eleven of the accused were hanged. It was just before this purge that Communists, fellow-travelers and sympathetic altruists all over Europe and much of Asia began to weep for the Rosenbergs. It was a cover-up, a blind, a diversion.

The Rosenbergs went to their death to protect their fellow criminals and their party. Now their dead bodies are used to distract attention from new crimes. If they are martyrs, they are martyrs to Communism. If they were murdered, it was by their "comrades." Committees over a good part of the world are still collecting money by weeping over their graves. It is a ghoulis business. About as clearly as anything that has happened, this series of events shows the cleverness, the dishonesty and the general low-downness of the Communist "move."

Rosenberg Lawyer Cites His Record

The lawyer for Julius and Ethel Rosenberg says he will defend himself against disbarment proceedings and claims his record is unblemished.

The lawyer, Emanuel H. Bloch, faces the disbarment proceedings and claims his record is unblemished.

The lawyer, Emanuel H. Bloch, faces the disbarment proceedings for saying, at the graves of the executed Rosenbergs, that he placed "the murder of the Rosenbergs at the door of President Eisenhower, Mr. (Attorney General Herbert H.) Brownell and (FBI Director) J. Edgar Hoover."

It was disclosed yesterday that the New York City Bar Assn. went into the Appellate Division of the State Supreme Court to accuse Mr. Bloch of conduct unbecoming a lawyer in this outburst.

Later Mr. Bloch said in a statement:

"I have an unblemished record before the bar for the past 30 years. Indeed, in the Rosenberg case itself, I have received strong praise from the courts before which I appeared on behalf of my clients."

The Rosenbergs were executed last June for conspiring to transmit atomic secrets to Russia. President Eisenhower twice refused them executive clemency.

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N. Y. N.Y. WORLD TELEGRAM & SUN

DATED JAN 20 1954

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John Harrington

65-15348

#16
A 1349

Rosenberg Sons Growing Adjusted to New Home

The young sons of executed atom spies Ethel and Julius Rosenberg are becoming well adjusted to their new home, Emanuel H. Bloch, their guardian, said today.

The boys, Michael, 10, and Robert, 6, had to leave Toms River, N. J., where they had lived for 20 months with Mr. and Mrs. Bernard Bach, because they were

ousted from the public school there as non-residents.

Bloch said they were "beginning to be absorbed in their new

surroundings and activities." He would not identify their new home, except to say it was in a suburban community in New York State. They were taken there at Christmas.

The lawyer said the boys mention their parents from time to time, but never have asked to visit their graves. Their father's family visits them, he said, but not their mother's. Mrs. Rosenberg's brother, David Greenglass, confessed his part in the spy plot and testified against the Rosenbergs.

Bloch said the boys' parting from the Bachs was painful.

"But the new foster parents are educated, intelligent, cultivated and sweet persons who will do their best to rear them like normal American children and help them adjust to a new life," he said.

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JAN 26 1954

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J. A. Harrington

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Emanuel H. Bloch Defended Rosenbergs: 'A-Spies' Lawyer Dies

Emanuel H. Bloch, lawyer who defended executed atom spies Julius and Ethel Rosenberg, was found dead yesterday in the bathroom of his apartment at 7 W. 16th st.

Part of one arm and his head, except for his face, was submerged in a tub, with scalding water still running.

The 52-year-old attorney was discovered by a friend, Gloria Agrin, also an attorney, of 297

Lenox rd., Brooklyn, at 3:10 p. m.

Dr. Dominick J. Di Maio, assistant medical examiner, said Block died of apparently natural causes but ordered an autopsy

Disbarment proceedings were begun against the left-wing lawyer on Jan. 10 because he had accused President Eisenhower of the "murder" of the Rosenbergs.

(For Obituary Sketch See Page 9)

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Rosenbergs' Attorney Found Dead in Bathtub



Emanuel H. Bloch

Emanuel H. Bloch, 52, attorney who defended atom spies Julius and Ethel Rosenberg and the guardian of two young Rosenberg sons since the parents died in Sing Sing's electric chair, was found dead, partly submerged in a bathtub, in his third-floor apartment at 7 W. 16th St., at 3 P. M. yesterday.

Police said Bloch apparently died of a heart attack. The water in the tub was still warm when the body was discovered by an attorney and business associate of Bloch, Mrs. Gloria Agrin, of 297 Lenox Road, Brooklyn.

Worried because Bloch hadn't answered his telephone, after failing to call her, as scheduled, Mrs. Agrin went to Bloch's apartment.

She opened the door with a key Bloch always left in a hall closet. An inside chain kept the door from fully opening, but Mrs. Agrin could see into the bath, the door of which was open. Bloch's bare feet jutted over the edge of the tub. Frantic, Mrs. Agrin broke the chain lock and entered.

Finding Bloch beyond help, Mrs.

Agrin telephoned police. They found nothing suspicious in the death. An autopsy will be performed today.

Attacked by Bar.

At the time of his death, Bloch was under fire by the city's organized bar—chiefly for his "murder" charge against President Eisenhower, Attorney General Brownell and J. Edgar Hoover, at the funeral services for the Rosenbergs last June 23.

"I place the murder of the Rosenbergs at their feet," Bloch declared. "They did not pull the

switch, but they directed the one who did pull the switch."

On Jan. 20, the Association of the Bar of the City of New York filed a petition with the Appellate Division asking it to take disciplinary action against Bloch.

Bloch's father, Alexander, who had been associated with his son in the early defense of the Rosenbergs, said funeral services will be held at 11:30 A. M. Tuesday at the Riverside Chapel, Amsterdam Ave. and 76th St., with burial in the family plot at Mount Judah Cemetery, Queens.

Bloch recently took the Rosenberg children, Michael, 10, and Robert, 6, from the home in Toms River, N. J., where they were boarding, to an undisclosed town in the East.

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N.Y. NEWS

JAN 21 1954

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BLOCH, ATTORNEY FOR SPIES, IS DEAD

Rosenberg Counsel's Body Is Found in Bathroom — Had Faced Disciplinary Action

Emanuel H. Bloch, attorney for the executed atomic spies, Julius and Ethel Rosenberg, was found dead yesterday afternoon in the bathroom of his home at 7 West Sixteenth Street. He was 52 years old.

Disciplinary action had been instituted Jan. 19 against the lawyer with the Appellate Division of the State Supreme Court by the Association of the Bar of the City of New York.

The action, which could have led to disbarment, was based on an inflammatory speech made by the attorney at the funeral of the Rosenbergs. In it he laid their "murder" at the doors of President Eisenhower, Attorney General Herbert Brownell Jr. and J. Edgar Hoover, head of the Federal Bureau of Investigation.

After an examination of the body, Assistant Medical Examiner Dominic J. DiMaio said Mr. Bloch apparently died of natural causes. There will be a "further investigation" and an autopsy, however, he said. Mr. Bloch, according to his estimate, had been dead since about 6 A. M.

The Federal Bureau of Investigation was notified of the death. Police of the Criminal Identification Division and others from the Police Technical Laboratory were summoned, although they are not called in usually in a case of death that is listed as not suspicious. In charge of the police investigation was Chief of Detectives George H. Lours.

Woman Visitor Called Police

Mr. Bloch's body was found at 3:10 P. M. by a friend, Miss Gloria Agrin, also an attorney, of 297 Lenox Road, Brooklyn. He was dressed in pajamas and slumped backward over the bathtub. His left hand and the lower part of his head were in the tub, which had been filled with hot water. The hand in the water was scalded.

Miss Agrin, police of the West Twentieth Street station said, had opened the door of Mr. Bloch's two-room-and-kitchenette apartment on the third floor by using a spare key that he kept in a pantry just outside the apartment door. The door was fastened with a chain but through the opening Miss Agrin could see the opened bathroom door. She frantically broke the chain and then called the police.

Miss Agrin, they said, told them she had been in Mr. Bloch's company until 1:30 A. M. yesterday, that he was to have called her at 10:30 A. M. and that when she did not receive his call she decided something was amiss and went to his apartment. After receiving no response to her knocks she used the extra key, she said.

Miss Agrin, according to the police, said that Mr. Bloch was in good spirits when she left him. He had no heart disease that she knew of, she said, but did suffer from ulcers.

Identification of Mr. Bloch was made by Miss Agrin and by Keith De Poio, a writer who

lives on the second floor of the three-story house.

Fell Backward Into Tub

Mr. Bloch, the police said, apparently fell backward as he was getting ready to take his bath. Whatever caused the fall, it seemingly was not sufficient to plunge his whole body in the tub.

Mr. Bloch with Miss Agrin and another couple, Mr. and Mrs. David Freedman, made up a theatre party Friday night. They had dinner together and then went to see "Coriolanus" at the Phoenix Theatre. After the theatre the two couples returned to Mr. Bloch's apartment, leaving at about 1:30 A. M. yesterday. Mrs. Freedman is an attorney associated with Miss Agrin.

Mr. Bloch was divorced several months ago. The couple had no children. He is survived by his father, Alexander Bloch, and a brother, Milton Bloch, both attorneys. The elder Bloch also represented the Rosenbergs.

Emanuel Bloch defended the Rosenbergs throughout more than two years of court litigation that preceded their execution in Sing Sing's electric chair last June.

He had been acting as the guardian of the two children of the Rosenbergs, Michael, 10, and Robert, 6. They live with a private family and attend school in an undisclosed New Jersey community. The lawyer had been in charge of a fund being raised to care for and educate the children.

The Rosenbergs were executed two years and three months after being convicted of divulging atomic secrets that were termed vital to the defense of the country.

Bloch Entered Case in 1950

Mr. Bloch entered the case after the arrest of Julius Rosen-

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NEW YORK TIMES, SUNDAY, JANUARY 31, 1954.



DEAD: Emanuel H. Bloch, attorney for late Julius and Ethel Rosenberg in their spy trial, who was found dead yesterday in his home here.

berg on July 17, 1950. He was a lawyer in the trial, principal counsel in all of the subsequent appeals carried to the United States Supreme Court and filed the last-minute applications for a stay of execution.

The final stay, which was to cause a storm of controversy throughout the nation, was granted by Associate Justice William O. Douglas on the day before the scheduled execution. At a hurriedly convoked meeting of the full court the stay was vacated. President Eisenhower refused to intervene and the sentences were carried out.

In his "murder" speech, delivered at the Rosenberg funeral services here on June 21, 1953, Mr. Bloch said:

"I place the murder of the Rosenbergs at the door of President Eisenhower, Mr. Brownell and J. Edgar Hoover. They did not pull the switch, true, but they directed the one who did pull the switch."

The case of the Rosenbergs.

was not the only one with Communist overtones in which Mr. Bloch appeared for the defense. He was retained in 1949 by the left-wing Civil Rights Congress in the appeal of death sentences given six Negroes for murder at Trenton, N. J. He also was counsel for an Army lieutenant at Fort Devens, Mass., who was accused of having been a Communist.

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Rosenberg Attorney Dead in Tub

Emanuel H. Bloch, fifty-two, lawyer who defended the executed atom spies Julius and Ethel Rosenberg, was found dead yesterday in a bathtub in his home at 7 W. 16th St.

Police of the W. 20th St. station said he was found at 3:10 p. m. by a friend, Miss Gloria Agrin, an attorney, of 297 Lenox Road, Brooklyn. She became alarmed when he failed to telephone her as scheduled about a business matter and failed to answer her calls to his apartment, where he had lived alone since a recent divorce.

She Breaks Chain

She went to the apartment and unlocked the door with a key which, she said, Mr. Bloch habitually left in a small box in a cupboard just outside the apartment entrance. The chain guard was in place, but she broke it.

Mr. Bloch, wearing pajamas, apparently had toppled into a tubful of water, in which he was partly submerged. Miss Agrin pulled him from the tub and called police. Dr. Dominick J. Di Maio, Medical Examiner, said after an examination that death was due to "apparently natural causes," but ordered an autopsy today.

Mr. Bloch, assisted by his father, Alexander, handled the defense of the couple through the Court of Appeals and the Supreme Court in the many moves to reverse the conviction and later to obtain a commutation of the sentence.

Discipline Case Recalled

The Rosenbergs were executed in the death house at Sing Sing Prison June 19.

Ten days ago a disciplinary proceeding was filed against Mr. Bloch in the Appellate Division by the Association of the Bar of the City of New York. The court has the power to censure, suspend or disbar an attorney.

The specific basis of the association's action was not disclosed, but many attorneys had protested to the group about Mr. Bloch's conduct at the Rosenberg funeral in Brooklyn two days after the execution.



Herald Tribune—United Press
Emanuel H. Bloch

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N.Y. Herald Tribune
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At that time, Mr. Bloch shouted:

"I place the murder of the Rosenbergs at the door of President Eisenhower, Attorney General Brownell and J. Edgar Hoover. This is not American justice. . . . We must be angry. America today is living under the heel of a military dictator garbed in civilian attire."

The usual procedure of the Appellate Division is to appoint a referee to hear evidence and make a recommendation. Proceedings are secret unless the court takes disciplinary action.

Brush With N. J. Court

In 1949, Mr. Bloch had a brush with a New Jersey court after he had been retained by the Left-Wing Civil Rights Congress to appeal the death sentences given six Negroes in a murder in Trenton, N. J.

Judge Charles P. Hutchinson told Mr. Bloch and two other defense lawyers, O. John Rogge and William L. Patterson, that he could no longer endure their "studied discourtesy and contempt for the court," and took away the permits that has been granted them to practice in a New Jersey court.

His action was later reversed by a Federal Circuit Court, but the three lawyers did not re-apply as attorneys in the Trenton case. Other lawyers obtained retrials of the "Trenton Six," and four were freed, one died and the sixth was sent to prison.

The Rosenbergs retained Mr. Bloch when Julius was first arrested by the Federal Bureau of Investigation for passing atomic secrets to Russia. Mr. Bloch was recommended to them by other attorneys.

Took Four Appeals

He carried their case through four appeals to the United States Supreme Court and filed sundry applications for stays of execution and commutation of sentence.

The Rosenbergs named him guardian for their children, Michael, ten, and Robert, six. He placed them in the home of friends in Toms River, N. J., but they were moved recently to an undisclosed place after they were barred from a New Jersey School.

Born in New York City, Mr. Bloch attended public schools, was graduated from City College in 1920 and obtained his law degree three years later from Columbia University. He started practice in his father's office and in later years shared law offices on lower Broadway with several other attorneys.

Accused Ike of 'Murder':

Act to Disbar Spies' Lawyer

Secret Action Cites Counsel
Of Executed Rosenbergs

By JACK LOTTO

A secret action has been started to disbar Attorney Emanuel H. Bloch for accusing President Eisenhower of "the murder" of executed atom spies Ethel and Julius Rosenberg.

International News Service learned today that the New York City Bar Association has served the attorney for the husband-wife team personally with formal charges of

conduct unbecoming a lawyer and "officer of the court."

Five days' notice of intent was served on Bloch that the association was to move in the Appellate Division of the New York State Supreme Court today for the appointment of a referee to hear the case.

Last June 21, standing over the coffins of the executed spy couple, at Well Wood Cemetery, Pine Lawn, L. I., the white-haired Bloch declared:

"I place the murder of the Rosenbergs at the door of President Eisenhower, Mr. (Attorney General Herbert) Brownell, and (FBI Director) J. Edgar Hoover. They did not pull the switch, true, but they directed the one who did pull the switch..."

Under the law, the court disbarment proceedings are secret unless the accused attorney requests that the record be made public.

It was understood that Bloch already has requested that his case not be called publicly when the petition seeking disbarment is presented during the motion period at the close of the court day.

The Bar Association began its action after receiving numerous complaints from lawyers and the public about Bloch's funeral speech.

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On the Line:

Did Lawyer Bloch Know?

By BOB CONSIDINE

THE death of Emanuel H. Bloch, lawyer for Julius and Ethel Rosenberg, makes more difficult—if not impossible—this reporter's search for the person or persons who gave the word to Russia that the Rosenbergs were "safe"...that they would go to their deaths without a word of confession, without naming a single accomplice.

Bloch, a brilliant and articulate man in the courtroom, died under the cloud of disbarment proceedings brought against him for the tone of his funeral oration over the coffins of his clients. In that inflamed speech he charged that President Eisenhower, Attorney-General Brownell and J. Edgar Hoover were "murderers" of the Rosenbergs. A day or two before he had cried, "Today I am ashamed I am an American."

Those last minute fireworks were in curious contrast to his earnest statement to Judge Irving Kaufman, the jury, U. S. Attorney (now judge) Irving Saypol and Saypol's staff immediately after the death verdict had been handed down. He said then in effect that he and his clients had been treated fairly by all concerned.

"Word" Was Passed

But some days later, with the Rosenbergs now in the death house at Sing Sing, "the word" was passed. By whom we may never know. On signal, the Communist press of the world set up a cry of "Save the Rosenbergs." That same press had not deemed the couple worthy enough or "safe" enough to cover their trial.

The wheels of a colossal propaganda machine had begun to turn. One can hardly hazard a guess as to what it cost that section of the Kremlin which handles such world-wide programs. Suffice it to say that its scope was such that in time the White House heard expressions of concern from spiritual leaders as militantly anti-Communist as Pius XII. More than 700,000 French workers signed petitions in the Rosenbergs' behalf. There were demonstrations in African jungles.

This tremendous propaganda effort

would have boomeranged thunderously if the Rosenbergs had talked. If they had turned to the handful of us who sat in the death chamber that evening at Sing Sing and saw them strapped into the ghastly chair, and had blurted acknowledgment of their role in the Soviet spying apparatus, it would have been the most disastrous propaganda setback Russia ever suffered. It might have been one from which Russia would never have recovered, for in the eyes of the wavering world it could never be believed again.

Reds Demanded Death

There was an additional danger in this huge propaganda gamble with the Rosenbergs. If Bloch was successful and did win a reversal of Judge Kaufman's decision, or persuade the judge himself to make his sentence less severe, the Rosenbergs would now be serving the first of perhaps 30 years in jail. Plainly, that would have been risky. They were bitterly cold people, these two, but the constant rub of children and relatives from the outside world might in time have coaxed them to admit the crushing weight of evidence produced against them, and identify co-conspirators, in the hope of easing the sentence.

It was plain, it seemed to me, that Russia wanted (yes, demanded) that the Rosenbergs die, but die as dramatically as martyrs. But, more important, it was absolutely necessary that they die silent. Who gave that assurance? Why was the Communist world silent about them one day and confidently raucous the next? What conceivably were the guarantees against a sudden, human collapse of their iron will as the arms of the electric chair reached out? Did anyone hold them in line?

Bloch, who saw much more of them than anybody else during their long stay in prison, was not there at the end. Now he, too, is gone, and with him what could have been light to shed upon a baffling case of domination of two human beings by self-will or outside forces beyond comprehension in a democracy.

Distributed by International News Service.

Afternoon
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65-15348 #1256 Harrington #6

Reds Report Chaplin Wants Rosenberg Boys

Vienna, Feb. 3 (UP)—A Hungarian Communist newspaper received here today claimed, without confirmation from any other source, that film comedian Charlie Chaplin "has taken steps" to adopt the two sons of executed American atom spies Ethel and Julius Rosenberg.

Chaplin, who now lives in Switzerland, was not available for comment.

(In New York an associate of the late Emanuel Bloch, attorney who had been acting guardian of the children, declined to comment.)

The report appeared in the Jan. 21 issue of the Hungarian women's weekly paper Nock Lapja. The story was headlined "Chaplin wants to adopt the Rosenbergh orphans."

No source was given and there were no substantiating details.

The report said:

"Chaplin, the world famous actor, has taken steps to adopt the orphans of the martyred

couple. This will increase the efforts of those who are continuing the fight for the Rosenberg couple in the name of humanity." The paper published a picture of the Rosenberg children with a caption similar to the headlines of its story.

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Harrington
#6

Court Takes A-Spies' Sons From Foster Parents Here

The two children of executed atom spies Julius and Ethel Rosenberg were placed under the jurisdiction of Children's Court today on the petition of the Society of the Prevention of Cruelty to Children.

Judge Panken, who signed an order removing Michael, 11, and Robert Rosenberg, 6, from the custody of their foster parents, Abel and Ann Meeropol, 720 Riverside Dr., declined to say where the children would be kept pending arguments on the petition Feb. 23.

Judge Panken said the SPCC petition "was based on information of the Welfare Dept. that the children had been taken from place to place and from home to home without any guardian being appointed . . . to look after them."

He said also that it was charged "they were being exploited for fund raising purposes."

An order to bring the children to court was served last night on the Meeropols.

Meeropol, who uses the name of Lewis Allen professionally, is a songwriter. He and his wife have no children of their own, and have acted as foster parents for Michael, 10, and Robert-Rosenberg, 6, since Christmas.

Group Serves Order

According to Gloria Agrin, attorney and former associate of the late Emanuel H. Bloch, the lawyer who defended the Rosenbergs, the court order was served on the Meeropols about 7 last night, by a group which included several Welfare Dept. officials, a policewoman and a representa-

tive of the Jewish Board of Guardians.

The Welfare Dept. and the JBG would not comment immediately.

Miss Agrin said the order called for taking the children out of the Meeropol home at once, but Judge Panken, when called by the couple, gave permission for the children to remain there overnight, provided they were brought to the court today.

Miss Agrin said she arrived at the Meeropol home two hours after the order was served and found two policemen guarding the door.

The watch was maintained through the night, she said.

Bloch had guardianship of the Rosenberg children under the terms of the parents' will but the will has not been admitted to probate it was learned.

The attorney died Jan. 30 of a heart attack in the bathroom of his apartment at 7 W. 16th St. The body was found by Miss Agrin, who had been associated with him in the Rosenberg defense.

He had placed the children in the Meeropol home after taking them from the home of Mr. and Mrs. Bernard Bach in Toms River, N. J., where school authorities had barred them from attending public school.

Bloch was one of the trustees

of a \$50,000 trust fund set up for the boys after the parents were executed. Another trustee, Malcolm Sharp, a Chicago University professor, arrived in New York today to take part in the court action.

According to Miss Agrin, the Rosenberg boys have been attending public school here, using the Meeropols' name, and appear to be well-adjusted in their new surroundings.

She said that for the first time since the parents were executed, the boys are addressing their foster parents as Mommy and Daddy.

Meeropol wrote the lyrics for several song hits, including the Frank Sinatra theme "The House I Live In," the current "Apples, Peaches and Cherries," and "Strange Fruit."

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Harrington

Mysterious Court Action Trails Atom Spies' Sons

The two young sons of Julius and Ethel Rosenberg, the executed Communist atom spies, again today were the innocent victims of a court action which was as mysterious to others as it was to them.

The case was before Domestic Relations Court Justice Jacob Panken, but just who initiated the proceeding and why was not clear. Even the court seemed perplexed. Justice Panken put off a decision until next Tuesday.

Change Home.

About the only thing definitely established by the case was the fact that since Christmas the children, Michael, 11, and Robert, 6, have been living in Manhattan with a couple whose name and address the World-Telegram and Sun is withholding. The children are using the family name of the couple in the school they are attending.

Prior to Christmas, the Rosenberg children had lived with a family at Toms River, N. J., but they had been forced to quit school there when authorities pointed out the school could not accommodate nonresidents.

Exploitation Alleged.

The case reached Justice Panken in a proceeding brought by the Society for the Prevention of Cruelty to Children on information supplied by the Department of Welfare. The petition noted that no guardian ever had been appointed for the children and

that "they are being exploited for fund-raising purposes."

During the proceedings in Justice Panken's chambers, about 100 persons gathered in the outside corridor. They were said to be sympathizers of the executed Rosenbergs. A special detail of police was called in, but there was no demonstration.

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NY. WORLD TELEGRAM & SUN

2 Rosenberg Boys Taken From Guardians; Court to Settle Fate

By Joseph Martin and Arthur Mulligan

The two sons of executed atom spies Julius and Ethel Rosenberg were taken from their unauthorized guardians yesterday and placed under the jurisdiction of Children's Court until a final determination of their legal guardianship is made.

The couple with whom the boys had been staying since Christmas won overnight custody on a writ of habeas corpus. But, in signing the writ at 10 P.M., Supreme Court Justice James E. M. McNally stipulated that the youngsters be brought before him at 3 P.M. today in Special Term, Part 2, Supreme Court.

In announcing the Children's Court action, Domestic Relations Court Justice Jacob Panken said he acted on a petition brought by a representative of the Society for the Prevention of Cruelty to Children, acting on information supplied by the Department of Welfare.

No Guardian Appointed.

Panken said the petition alleged that the children "had been taken from place to place, home to home, without any guardian having been appointed by the Surrogate's Court of New York, or wherever there are surrogates to supervise and care for these children."

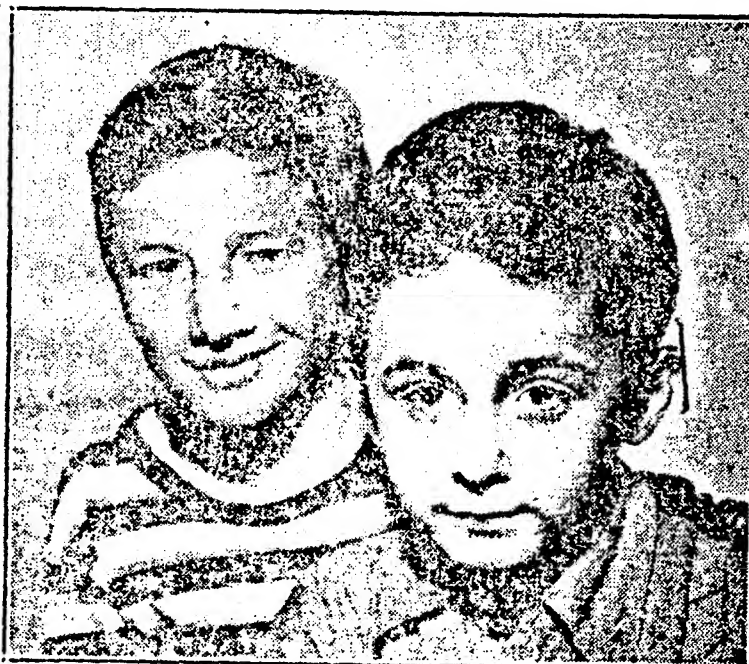
He said that "furthermore, it was charged that the children had been exploited in fund-raising propositions."

The court procedure brought out that the boys, Michael, 11, and Robert, 6, had been staying for the last seven weeks with Abel and Ann Meeropol in their apartment at 720 Riverside Drive, near 149th St., and attending Public School 186, at 521 W. 145th St., under the name of Meeropol.

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Cop Detail on Hand.

Although the steps taken by the Welfare Department were clothed in the deepest secrecy, word of the action apparently spread through left wing circles and as early as 9 A. M. yesterday the waiting room outside the second floor courtroom at 137 E. 22d St. was filled with persons who said they were members of the Rosenberg Children's Trust Fund Committee. A uniformed detail of 10 policemen was



(By Associated Press)
Michael Rosenberg, 11 (left), and brother Robert, 6, yesterday were placed under temporary custody of Children's Court.

summoned to prevent any possible demonstration.

Justice Panken said he had signed a summons for the Meeropols Wednesday.

Concerning the Meeropols, Panken said "these people are in no way related to the Rosenbergs; they are no part of the children's family."

"This is certainly a strange case where someone comes in and takes over children without guidance or care," he added.

Meeropol, a song writer who uses the pen name of Lewis Allen, and his wife were represented by Alexander Bloch, father of the Rosenberg's late attorney, Emanuel Bloch. Philip Sokol, Welfare Department counsel, represented the department.

Also on hand to represent the Meeropols was Mrs. Gloria Agrin, an associate of Emanuel Bloch. It

was in her office at 220 Broadway that the habeas corpus writ was being prepared, with the help of an associate, Blanche Freedman.

Professor Flies Here.

A third legal representative for the Meeropols was Malcolm Sharp, a law professor at the University of Chicago and chairman of the Rosenberg fund. He flew here from Chicago yesterday when notified of the developments.

The summons was served on the Meeropols in their home at 7 P. M. Wednesday by a group of city detectives and Welfare Department employees. FBI men were also on hand, it was learned.

The two boys had lived with Bernard Bach in Toms River, N. J., until school authorities barred them from attending school there because they were not legal residents.

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Harrington
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'Exploitation' Charged

Children's Court Assumes Custody of Rosenberg Sons

By James S. Barstow Jr.

The two young sons of executed atom spies Julius and Ethel Rosenberg became the temporary wards of the city by court order yesterday. The Children's Court approved a petition alleging "neglect" and exploitation brought by the Society for the Prevention of Cruelty to Children against a New York couple with whom the boys, Michael, ten, and Robert, six, have been living for the last six weeks.

No details of the petition were made public during a closed morning session, but Justice Jacob Panken later revealed that the S. P. C. C., acting on information supplied by the Department of Welfare, alleged that the boys "were being exploited for fund-raising propositions" by Mr. and Mrs. Abel Meeropol, of 720 Riverside Drive. Mr. Meeropol was identified as a composer of popular songs under the pen name of Lewis Allen.

Justice Panken ordered that the children be taken from the custody of the Meeropols, whom he described as "illegal guardians," and placed under the jurisdiction of the court pending a hearing on the case Tuesday. Neither he nor the S. P. C. C.

would elaborate on the meaning of "fund-raising propositions."

Considerable sums of money were raised in behalf of the Rosenbergs and since their execution, last June 19, fund-raising has continued in behalf of Morton Sobell, convicted with the Rosenbergs and sentenced to thirty years in prison. There is also a fund for the education of the two boys.

Justice Panken said that the boys "were being taken from place to place and from home to

Continued on page 26, column 6

Late City
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65-15348 A-1261

Shurington
#6

Rosenberg

(Continued from page one)

home without a legal guardian appointed by the Surrogates' Court." He noted that the late Emanuel M. Bloch, the Rosenbergs' attorney named guardian in their wills, had acted illegally in this capacity, since the wills had never been filed in Surrogates' Court. Mr. Bloch died of a heart attack Jan. 30.

The Meeropols were represented in court by Alexander Bloch, the late attorney's father, who requested that the boys be paroled in custody of his clients pending the hearing next week. The court denied the request, noting "these people are in no way related to the Rosenbergs."

Justice Panken added, "This is certainly a strange case where

some one comes in and takes over children. . . . Decency demands that persons wishing to adopt children submit to the usual investigation of their background."

He then referred to a group of 100 apparent Rosenberg 'sympathizers' who had crowded into the court waiting room and were also standing in groups outside the building at 135 E. 22d St. "The building is over-run by men and women not related to the Rosenbergs," he said.

Last night, Justice James B. M. McNally signed a habeas corpus writ, stipulating that the children be brought before him at 3 p. m. today in Supreme Court.

The boys' whereabouts was not revealed by the court. They and the Meeropols left the court separately by rear exits and were not seen by reporters. Before coming to New York, the boys had been living for more than a year with Mr. and Mrs. Bernard Bach in Toms River, N. J., but left early in January after a local school board balked over their eligibility as students.

Rosenberg Boys Summoned to Court

The two sons of Ethel and Julius Rosenberg, executed last June as atom spies, are to appear today before Supreme Court Justice James B. M. McNally. He will determine whether they will remain under the jurisdiction of Children's Court or return to the couple who have cared for them for the last seven weeks.

Michael, 11, and Robert, 6, were taken under the Children's Court jurisdiction yesterday on a complaint filed by the Society for the Prevention of Cruelty to Children.

The complaint charged the boys have been improperly cared for, "have been taken from place to place, home to home" and "had been exploited in fund-raising propositions."

Judge McNally last night signed a habeas corpus writ.

There will be a hearing Tuesday on the complaint, which also charged that no legal guardian for the boys had been named, since the will of the two spies had never been filed in Surrogates' Court. Emanuel M. Bloch, lawyer for the spies, who was named guardian in the will, died Jan. 30.

It was revealed yesterday that the two boys have been living in the Manhattan home of a song writer since early January, and have been attending public school.

They had lived for a year and a half on a farm near Toms River, N. J. School officials demanded their withdrawal from school as not being legal residents of Toms River.

The farm couple had offered to adopt the children, but Mr. Bloch declined.

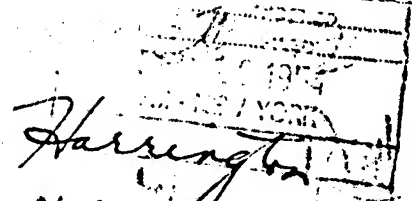
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DATED FEB 19 1954

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Court Weighs Case of A-Spies' Sons

By NANCY SEELY

Supreme Court Justice McNally will decide today whether the two young sons of executed atom spies Julius and Ethel Rosenberg may stay with their foster parents until a Children's Court hearing determines their legal guardianship.

The boys, Robert, 6, and Michael, 11, were placed under the jurisdiction of Children's Court yesterday and taken to an undisclosed place after Domestic Relations Court Justice Panken signed an order removing them from the custody of their foster parents.

Last night, however, the latter, Abel Meeropol and his wife, Ann, of 720 Riverside Dr., obtained a writ of habeas corpus signed by Justice McNally asking that they be allowed to keep the youngsters until the Children's Court hearing Tuesday.

See editorial "The Lost Ones" on Page 11.

The writ directed that the boys be taken before Justice McNally in the county courthouse at 3 p.m. today.

It was a petition filed by the Society for the Prevention of Cruelty to Children that catapulted the two boys into the heated legal controversy.

The SPCC charged that they had been "taken from place to place, home to home, without any guardian having been appointed by Surrogate's Court of New York." It also charged they had been "exploited for fund-raising purposes."

Four attorneys promptly moved to keep the boys in the custody of the Meeropols, who have been caring for them for

seven weeks. The habeas corpus petition was drawn up by Alexander Bloch, father of the late Emanuel Bloch, who was attorney for the Rosenbergs and who served as guardian of their children until his recent death.

Assisting him in the present action are Gloria Agrin and Blanche Freedman, two former legal associates of Emanuel Bloch, and Malcolm Sharp, University of Chicago law professor who is one of the trustees of a \$50,000 trust fund set up for the boys after the parents were executed.

Meeropol, a songwriter who uses the professional name of Lewis Allen, and his wife have no children of their own. They have acted as foster parents for the Rosenberg boys since Christmas. The youngsters have been attending PS 186 at 521 W. 145th

St. under the name of Meerpol.

Bloch placed the boys with the Meeropols after they were ordered withdrawn from the elementary school in Toms River, N. J., where they had been living with Mr. and Mrs. Bernard Bach. The school order was based on the grounds they were not legal residents of Toms River and therefore could not be accommodated in the overcrowded school.

Although Justice Panken admitted that their removal from the Meeropol home would have a "very serious impact" on the boys, he said it was the court's obligation to assume their "supervision and protection" pending investigation of the SPCC petition allegations.

"I am not concerned with one single thing except the welfare of these children," he said.

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Borden
J. Harrington
#1

Rosenberg Children Still Await a Home

Where shall home be for the young sons of Ethel and Julius Rosenberg, executed atom spies?

While their grandmother, Mrs. Sophie Rosenberg, said she approved the children, Michael, 11, and Robert, 6, returning the home they had enjoyed since Christmas, a delegation of 100 persons petitioned Mayor Robert F. Wagner to send the children to their grandmother.

In addition, two courts are involved in the case in which the children seemingly have no voice of their own.

Just where the children are is not known publicly. Yesterday, Justice Jacob Panken of Domestic Relations Court, acting on a petition submitted by the Society for the Prevention of Cruelty to Children at the behest of the Department of Welfare, committed the children pending a hearing to be held next Tuesday. It had been charged the children were being exploited in a fund-raising campaign.

Couple Seek Adoption.

Today a press conference was held in the office of Gloria Agrin. She is an attorney who had been associated with the late Emanuel Bloch in the Rosenberg case. Present were Mr. and Mrs. Meeropol of 720 Riverside Dr. with whom the Rosenberg children had been staying since Christmas.

Mrs. Meeropol said that at the time they received the children they asked for no funds, but that since then they had received two checks from a trust fund set up

in the children's names. She didn't reveal the amounts, but said they had been put to the exclusive use of the children.

"We took the children to have and hold and love," Mrs. Meeropol said, and added that she had lost two boys of her own and would very much like to adopt Michael and Robert.

Mrs. Rosenberg, the grandmother said she was very happy to have the children stay with the Meeropols, but would prefer they keep the name Rosenberg.

Petitioners Fail.

At City Hall, 100 persons failed in their effort to submit a petition to the Mayor. Lt. John O'Brien, head of the City Hall police detail, told the group their place was in court.

The group was headed by Mrs. Emily Alman, executive secretary of the National Committee to Secure Justice for Morton Sobol. Sobol is serving 30 years in federal prison for treason growing out of his part in the Rosenberg spy case.

Later in the day, the Meeropols, on a writ of habeas corpus obtained by Miss Agrin, and the Rosenberg children were to appear before Supreme Court Justice James E. M. McNally.

7 Spent Edition
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Barker
Harrington

Ask Guardian For Spies' Sons

Welfare Commissioner McCarthy formally petitioned Surrogates Court Friday for the appointment of a guardian for the two young sons of executed atom spies Julius and Ethel Rosenberg.

McCarthy's petition was filed only a few hours after Supreme Court Justice McNally ordered the children, Michael, 10, and Robert, 6, brought before him today (Saturday) to determine whether they will remain in the temporary care of Children's Court or be returned to their foster parents, songwriter Abol Meeropol and his wife Anne, of 720 Riverside Drive.

The Welfare Commissioner asked the Surrogates Court to name Morton L. Deitch, attorney, of 61 Broadway, and president of the Jewish Child Care Assn. as guardian of the boys "to protect their interests."

He alleged in his petition the children were "exploited" for propaganda and fund-raising purposes, that "thousands of dollars" have been raised and that the money is now in possession of a "self-constituted group of persons."

McCarthy also revealed that on July 18, 1951, the children were placed in custody of their grandmother, Mrs. Sophie Rosenberg, with the understanding they would live with her. However, he claimed, the boys were taken to a home at Tom's River, N. J., and later placed with the Meeropols without the "knowledge, consent or approval" of the Welfare Department.

Two days ago, Domestic Relations Justice Panken ordered the boys taken from the Meeropols on complaint of the Welfare Department. Mrs. Rosenberg and the Meeropols then went before Justice McNally to

obtain a writ of habeas corpus for return of the children. They told McNally the boys have experienced "three terrible years of dislocation and disruption" and might suffer "further shock" under additional buffeting. EARLIER, AT A press confer-

ence, the Meeropols said they wanted to adopt the boys, but Mrs. Rosenberg stated she objected to such action by anybody. She said she had no objection to their staying with the Meeropols.

Mirror Edition
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Borden
J. A. Harrington

A-Spies' Sons Face First of 3 Courts

McNally Studies Habeas Corpus

The two sons of Julius and Ethel Rosenberg, executed atom spies, go before the New York State Supreme Court today for the first of a series of hearings on who shall become their legal guardian.

Justice James B. M. McNally was to rule first on their temporary custody. A New York couple, Mr. and Mrs. Abel Meeropol, who have been caring for Michael, 11, and Robert, 6, for the last several weeks, began a habeas corpus action on Thursday. The boys were taken from them that day and lodged at the Pleasantville (N. Y.) Cottage School of the Jewish Child Care Assn., after proceedings challenging the Meeropols' guardianship were begun in Children's Court.

Meanwhile, the city's Welfare Department is seeking in Surrogate's Court to obtain appointment of a general guardian for the boys. The department proposed that the guardian be Morton L. Dietch, an attorney who is president of the Jewish Child Care Assn. A hearing will be held March 5.

The custody of the children became an issue following the recent death of Emanuel Bloch, an attorney who represented the Rosenbergs in their trial and appeal. After the execution of the parents last June 19, Mr. Bloch became legal guardian of the boys.

The Welfare Department has charged that the boys were being exploited for Communist fund-raising purposes.

Night Edition

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Abrahamson

Grandma Gets Rosenberg Boys' Custody

Children Had Been Exploited, City Charged

The two young sons of Julius and Ethel Rosenberg executed atom spies, were removed from Children's Court custody yesterday by Supreme Court Justice James B. McNally and turned over to their grandmother pending further action in a guardianship case instituted by the city's Department of Welfare.

The city charged on Wednesday the children had no permanent home, were without guardianship and were being exploited for fund-raising purposes. Justice Jacob Fanken in Children's Court ordered them into temporary custody of the court and placed them in the home. They had been living with foster parents.

The youngsters' grandmother, Mrs. Sophie Rosenberg, sought their custody in a habeas corpus action. The children, Robert, 6, and Michael, 11, sat quietly beside her during yesterday's hearing.

"So far as Sophie Rosenberg is concerned, she is their grandmother," Justice Mc-

Continued on Page 2



GRANDMOTHER WINS CUSTODY—Mrs. Sophie Rosenberg, mother of executed atom spy Julius Rosenberg, is hugged by her grandchildren, Robert, 6, and Michael, 11, after court awarded her custody of the boys.

Continued from Page 1

Nally said. "She is a God-fearing woman. I feel the interests of the children will be best served if they are awarded to Mrs. Rosenberg."

He then turned to her and said: "Mrs. Rosenberg, you will take the children. You will report them to the court when it is desired. You will send them back to school, teach them from the Old Testament, and teach them love of their country."

"God bless you, Judge," little Robert said.

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Harrington
#6

Spies' Boys Exploited, Says City

By Alfred Albelli and Arthur Mulligan

The fast-mounting legal battle over custody of the two sons of executed atom spies Julius and Ethel Rosenberg took a new turn yesterday when Welfare Commissioner Henry L. McCarthy applied in Surrogate's Court for the appointment of a general guardian for the two youngsters.

He filed a separate petition for each of the youngsters, Michael, 11, and Robert, 6, charging that the "infants" had been exploited and made the subject of propaganda by persons seeking to raise funds.

Fund Raising Cited.

"Fund-raising campaigns have been conducted on behalf of the infants as the result of which many thousands of dollars have been raised," the petition stated. "This money is now in possession and under control of a self-constituted group of persons, including Gloria Agrin and Malcolm Sharp, a professor at the University of Chicago."

Corporation Counsel Adrian P. Burke filed the petitions on behalf of the Welfare Department. Hearing was set for March 5, before Surrogate William T. Collins.

The children failed to show up in Supreme Court yesterday for a hearing concerning their temporary custody. It was explained that a habeas corpus writ directing their appearance had not been served in time.

Justice James B. M. McNally ordered them to be produced in court at 10 A. M. today.

The writ was brought by Gloria Agrin, a lawyer, of 220 Broadway, who is seeking to have the children returned to their unauthorized guardians, Abel and Ann Meeropol, of 720 Riverside Drive.

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Harrington
#1

In Custody of Court.

The children were taken from the Meeropols on Thursday and placed in the jurisdiction of Children's Court by Domestic Relations Court Justice Jacob Panken.

He ordered a further hearing Tuesday in Children's Court and Miss Agrin brought the writ in an effort to let the Meeropols have custody in the meantime.

In asking for the writ, Miss Agrin denied that the boys were exploited to raise funds or for any other purpose. "On the contrary," she said, "they were shielded as much as is humanly possible from any outside influences which might exist because of the fact that they are the sons of Julius and Ethel Rosenberg."

She termed Justice Panken's action "illegal and arbitrary" and said the action was taken without regard to the health and welfare of the children.

Says He Was Squelched.

In court yesterday, attorney Alexander Bloch, also representing the Meeropols and Mrs. Sophie

Rosenberg, grandmother of the boys, said that Justice Panken did not give him a proper hearing on his request for temporary custody

of the children by the Meeropols.

He told Justice McNally: "There was no hearing. I was squelched, I was muzzled as soon as I opened my mouth."

Mrs. Rosenberg told the justice she had no objection to having the children brought to court today, even though it is the Jewish Sabbath, from the upstate social welfare home where they are now staying.

"I know the children are not happy there," she said.

At an earlier press conference in Miss Agrin's office, the Meeropols ducked the question of whether they were Communist Party members. But they said they would like to make formal application to adopt the two boys.

2 Rosenberg Boys Taken From Guardians; Court to Settle Fate

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N.Y. MIRROR

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#6	

By Joseph Martin and Arthur Mulligan

The two sons of executed atom spies Julius and Ethel Rosenberg were taken from their unauthorized guardians yesterday and placed under the jurisdiction of Children's Court until a final determination of their legal guardianship is made.

The couple with whom the boys had been staying since Christmas won overnight custody on a writ of habeas corpus. But, in signing the writ at 10 P.M., Supreme Court Justice James B. M. McNally stipulated that the youngsters be brought before him at 3 P.M. today in Special Term, Part 2, Supreme Court.

In announcing the Children's Court action, Domestic Relations Court Justice Jacob Panken said he acted on a petition brought by a representative of the Society for the Prevention of Cruelty to Children, acting on information supplied by the Department of Welfare.

No Guardian Appointed.

Panken said the petition alleged that the children "had been taken from place to place, home to home, without any guardian having been appointed by the Surrogate's Court of New York, or wherever there are surrogates to supervise and care for these children."

He said that "furthermore, it was charged that the children had been exploited in fund-raising propositions."

The court procedure brought out that the boys, Michael, 11, and Robert, 6, had been staying for the last seven weeks with Abel and Ann Meeropol in their apartment at 720 Riverside Drive, near 149th St., and attending Public School 186, at 521 W. 145th St., under the name of Meeropol.

Panken refused an application by attorneys for the Meeropols to return the children to them pending a further court-hearing in the matter Tuesday.

Cop Detail on Hand.

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(By Associated Press)

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summoned to prevent any possible demonstration.

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Concerning the Meeropols, Panken said "these people are in no way related to the Rosenbergs; they are no part of the children's family."

"This is certainly a strange case where someone comes in and takes over children without guidance or care," he added.

Meeropol, a song writer who uses the pen name of Lewis Allen, and his wife were represented by Alexander Bloch, father of the Rosenberg's late attorney, Emanuel Bloch. Philip Sokol, Welfare Department counsel, represented the department.

Also on hand to represent the Meeropols was Mrs. Gloria Agria, an associate of Emanuel Bloch. It

was in her office at 220 Broadway that the habeas corpus writ was being prepared, with the help of an associate, Blanche Freedman.

Professor Flies Here.

A third legal representative for the Meeropols was Malcolm Sharp, a law professor at the University of Chicago and chairman of the Rosenberg fund. He flew here from Chicago yesterday when notified of the developments.

The summons was served on the Meeropols in their home at 7 P. M. Wednesday by a group of city detectives and Welfare Department employees. FBI men were also on hand, it was learned.

The two boys had lived with Bernard Bach in Toms River, N. J., until school authorities barred them from attending school there because they were not legal residents.

Custody at Stake:

Rosenberg Boys In Court Today

Supreme Court Justice McNally today was to decide the future of the two sons of executed atom spies Julius and Ethel Rosenberg.

He ordered the youngsters, Michael, 11, and Robert, 6, brought before him after a petition was filed by Welfare Commissioner McCarthy, charging they had been exploited by persons seeking to raise funds.

McCarthy's petition was filed with McNally by Corporation Counsel Burke.

Gloria Agrin, a lawyer, of 220 Broadway, had sought a writ seeking the return of the children to Abel and Ann Meeropol, of 720 Riverside dr., from whom they were taken on Thursday and brought into Children's Court.

They were released late that night and sent to the Jewish Child Care Association at Pleasantville.

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Harrington
#6

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Will Teach Love for U. S.:

Grandmother Gets Custody Of the 2 Rosenberg Sons

Boy Tells Judge:
'God Bless You'

After a tearful plea in which she vowed she would teach her grandchildren to love—not hate—their country, Mrs. Sophie Rosenberg in Supreme Court today was given temporary custody of Robert and Michael Rosenberg, 6- and 10-year-old sons of the executed atom spies.

The decision, rendered by Justice McNally, was the first to come out of three legal battles which began Thursday for the children's custody.

There was considerable rejoicing over the court's action, particularly by Mrs. Rosenberg and the children, who appeared in court for the first time since the wrangle began. It prompted Michael to leave his seat, walk up to the bench, and recite to the judge:

"God bless you."

OUTCOME AWAITED.

The children, whose parents, Julius and Ethel, were executed last Summer in Sing Sing' electric chair for selling atomic secrets to the Russians, will live with their paternal grandmother in a four-room apartment at 36 Laurel Hill Terrace.

Frank E. ...
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She will have custody of the children until the outcome of litigation in Children's Court Tuesday on a charge by the Welfare Department that they had been exploited by persons seeking to raise funds. They were removed by court order from the custody of Mr. and Mrs. Abel Meeropol, of 720 Riverside dr.

In granting their custody to Mrs. Rosenberg, McNally declared:

"I find the grandmother a God-fearing woman who practices her Jewish religion. I find the best interests of the children will be served if they are placed under her control. And I so order."

"SAD SITUATION."

Then he looked at Mrs. Rosenberg, smiled, and said:

"You may take the children pending the outcome of litigation in the action in Children's Court. You shall not permit them to leave you and you will send them back to school.

"You will teach them to believe in the tenets of your religion. Don't let anyone talk to them against our country. This is a very sad and distressing situation."

McNally's decision was rendered after Mrs. Rosenberg had taken the stand and testified she would teach them religion, love of their country, and will not allow anyone to approach them.

She had great difficulty testifying. She was handicapped by her inability to understand readily the language of her interrogators and by a constant outburst of emotionalism.

WILLING AND ABLE.

However, she did manage to understand the court's order. And she explained in broken English that she is not only willing, but able to take custody of the children whom she once had in her care but surrendered to the par-

ents' attorney Emanuel H. Bloch.

This occurred in July, 1951, when the children were placed in the custody of friends in Toms River, N. J., where they lived for a year and a half, then brought to New York to live with the Meeropols.

After the children were taken from the Meeropols, an action to have the children returned to the couple was started by attorneys Gloria Agrin and Alexander Bloch. The latter's attorney son died several weeks ago in his Manhattan apartment from a heart attack.

TOLD WITH TEARS.

Questioned about having given up custody of the children on the previous occasion, Mrs. Rosenberg told the court with tears in her eyes:

"The children in the public school they were going told Robert and Michael their father was a spy... They came home crying... I had to send them away..."

McNally adjourned until 11:30 a. m. March 3 the hearing on a writ of habeas corpus which had been brought by Mrs. Rosenberg and the Meeropols. Another action on the Welfare Department complaint is scheduled for Surrogate's Court March 5.

Grandma Gets Rosenberg Boys

The two children of executed atom spies Julius and Ethel Rosenberg were given into the care of their grandmother in Supreme Court Saturday pending outcome of a custody hearing in Children's Court next Tuesday.

In ruling that Mrs. Sophie Rosenberg, 64, have custody temporarily of Michael, 11, and Robert, 6, Justice McNally termed her a "God-fearing woman" and said he was acting in the best interests of the children.



Justice McNally

McNALLY ADJOURNED until March 9 a hearing on a writ of habeas corpus filed by Mr. and Mrs. Abel Meeropol, of 720 Riverside Drive, from whom the children were taken Thursday after

the Society for the Prevention of Cruelty to Children charged the boys were being exploited.

After announcing his decision, McNally said he was acting on an original application made on behalf of the grandmother for temporary custody.

He admonished Mrs. Rosenberg to produce the children when required, not to take them out of the court's juris-

diction, to send them to school, and to "teach them as you believe, the tenets of the Jewish religion and teach them out of the Old Testament."

On the stand, Mrs. Rosenberg, who lives at 36 Laurel Hill Terrace, in the Washington Heights area, said she would teach the boys to love their country. Asked by McNally if she would teach them to "hate this country," she answered vehemently, "No, no."

IT WAS INDICATED by court observers that if the Children's Court is unable to settle the custody question after hearing the charges of the SPCC, the matter may come up before McNally on March 9 for final disposition.

Both boys had been brought to court Saturday from the upstate school where they have been staying since Thursday. When McNally announced his decision, Michael embraced his grandmother and ran toward the judge's bench, exclaiming, "God bless you, judge."

Lucius E. ...

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Barden
Hawkins

Grandma Gets Rosenberg Boys, Vows They'll be Good Citizens

By GEORGE CARPOZI JR.

Robert and Michael Rosenberg, sons of the executed atom spies, yesterday were placed in temporary custody of their paternal grandmother, who vowed to teach them to love—not hate—their country.

Weeping with joy after hearing Supreme Court Justice McNally's decision, Mrs. Sophie Rosenberg, 65, said:—

"God bless the judge for returning my children to me. I will raise them to be good, loyal Americans. They shall be taught the Jewish faith and to know there is a Supreme Being. They shall go to school and grow up to respect their country always."

BOY ASKS BLESSING.

An hour earlier in court, where the 6 and 10-year-old boys appeared for the first time since three legal battles began Thursday for their custody, the younger Michael walked up to the bench after hearing the decision and told Justice McNally: "God bless you."

This followed a morning-long session in which Mrs. Rosenberg tearfully testified she would give the children the loving care that her own six children had received.

"I want to take them," she sobbed. "They are my children. I want them with me."

On questioning by Justice McNally, the spright, frail white-haired grandmother explained the children would live with her in her four-room apartment at 36 Laurel Hill Terrace in the Washington Heights section.

MUST GO TO SCHOOL.

McNally told her:

"You shall not permit them to leave you and you will send them back to school. You will teach them to believe in the tenets of your religion. Don't

let anyone talk to them against our country."

Sensing the impending victory, Mrs. Rosenberg cried uncontrollably as she shook her head in affirmation to the judge's stipulations. When the decision was rendered, Robert and Michael rushed up to her and burst into tears.

MUNCH ON SANDWICHES.

After Mrs. Rosenberg and the children thanked McNally, they went to the offices of Attorney Gloria Agrin, at 220 Broadway. There, while Michael and Robert munched on pastrami sandwiches, Mrs. Rosenberg outlined in her broken English how she planned to uphold the edict of the court.

The legal wrangle over the children's custody was touched off by the Welfare Dept. when it removed the children of the executed Julius and Ethel Rosenberg by court order from the care of Mr. and Mrs. Abel Meeropol, of 720 Riverside dr., on grounds the youngsters had been exploited by persons seeking to raise funds.

They were placed in a home of the Jewish Child Care Assn. in Pleasantville, N. Y. The children said they did not like this arrangement.

(Picture on Page 2)

Sunday Herald

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2 Rosenberg Boys Given to Grandma

By ARTHUR MULLIGAN

In a dramatic climax to a tense courtroom session, Supreme Court Justice James B. M. McNally yesterday awarded temporary custody of the two sons of executed atom spies Julius and Ethel Rosenberg to the boys' grandmother, 65-year-old Mrs. Sophie Rosenberg.

As the justice pronounced his final words, "I so order," the two youngsters, Michael, 10, and Robert, 6, threw their arms about their frail, bespectacled grandmother and kissed and hugged her.

Then together the three walked up to the bench to thank McNally. He leaned down and shook hands with each of them as Michael murmured, "God bless you, judge."

Quizzed on God, Country.

McNally announced his decision after he had questioned Mrs. Rosenberg on the witness stand concerning her home life, her belief in God and her patriotism.

The justice said he was paroling the children to her pending final determination of a Children's Court action brought by the Welfare Department, which will be heard Tuesday. He then set March 9 for a formal Supreme Court hearing on a habeas corpus writ which brought about yesterday's court order.

The children were taken to the court yesterday by agents of the Jewish Child Care Association, in whose care they had been since they were taken from the home of their unauthorized guardians, Abel and Ann Meeropol, at 720 Riverside Drive, last Thursday.

Grandma Is Only Witness.

When they entered the courtroom, Michael went to his grandmother inside the enclosure reserved for lawyers and witnesses. She put both arms around him and held his head on her shoulder. Robert took a seat in the second row of the spectators' section between the Meeropols.

Mrs. Rosenberg was the only witness called during the hour-and-a-half proceedings. The rest of the time was taken up with arguments.

McNally asked Mrs. Rosenberg what kind of an apartment she



(NEWS photo by Bill Meurer)
Supreme Court Justice James B. M. McNally leaves court after handing down decision.

lived in, to which she replied in broken English that it was a four-room apartment in a steam-heated building with an elevator.

Teaches Boys Religion.

"Do you want to have the children with you?"

"Yes, your honor, I want to take them. That's my children. I want to take them, please."

McNally then asked her if she had taught the children the principles of Judaism when they spent a year with her after their parents' arrest in 1950.

She nodded her head vigorously and said, "Yes, yes, your honor."

"You should," McNally declared. "It's an ancient and honorable religion."

He asked her if she would teach the children out of the Old Testa-

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Two Rosenberg Boys Given to Grandmother

(Continued from page 3)

ment, teach them that there is a Supreme Being, and teach them love of country, to all of which she kept nodding and saying, "Yes, yes."

Then he asked her, "You wouldn't

teach these children to hate this country, would you?"

"No, no, no," Mrs. Rosenberg replied vehemently.

Athlete and Scholar.

During a short recess before he announced his decision, McNally took the boys into his chambers. He told newsmen later that he had given each a chocolate bar, and that they liked chocolate very much.

"I asked them if they loved their grandma and they both said 'very much,'" the justice reported.

"The little fellow told me that he throws lefty, bats righty and plays second base, the outfield and pitcher," McNally said. "He says he is a better baseball player than his big brother, but that his brother is better at arithmetic and grammar."

In announcing his decision, McNally declared that Mrs. Rosenberg appeared to be a God-fearing woman and that he believed the interests of the children would best be served by paroling them to her.

Decision is Cheered.

He admonished her that she must produce them if required, keep them in the jurisdiction of the court, send them to school, teach them to love this country and "not let any one speak to them in derogation of this country."

The decision was greeted with cheers by the 50-odd persons who occupied all available seats.

Meeropol and his wife were beside themselves with joy. Meeropol said they would visit the children every day at their grandmother's home, 36 Laurel Hill Terrace, near W. 184th St., and drive them to Public School 186, at 521 W. 145th St., which the boys had been attending recently under the Meeropol name.

In addition to other litigation, a Surrogate's Court ~~hearing~~ will be held March 5 on a Welfare Department application to appoint a general guardian for the children.

Hearing Set in Three-Way Battle For Custody of Rosenbergs' Sons

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By TED POSTON

The two young sons of executed atom spies Julius and Ethel Rosenberg were set to appear in Supreme Court here Saturday in a three-way battle over their custody.

Justice McNally ordered the boys, Robert, 6, and Michael, 11, brought before him on the Jewish Sabbath for a hearing on a habeas corpus petition resulting from their seizure on charges brought Thursday by the Society for the Prevention of Cruelty to Children.

Taken from the home of Mr. and Mrs. Abel Meeropol at 720 Riverside Dr., with whom they had lived since Christmas, the boys were sent to the Pleasantville, N. Y., Cottage School of the Jewish Child Care Assn.

Assail Sabbath Hearing

Officials of the school objected to the hearing on the Sabbath, but McNally overruled them when Mrs. Sophie Rosenberg, the boys' paternal grandmother, supported the petition.

Saturday's hearing was on a charge by the Meeropols that Children's Court Justice Panken "squealed and muzzled" their counsel and did not hold a proper hearing Thursday before ordering the children taken from the Meeropols. Panken has ordered a further hearing on the case for Tuesday.

Meanwhile, the Welfare Dept. Friday petitioned Surrogates Court to appoint Morton L. Deitch, an attorney and president of the Jewish Care Assn., guardian of the boys.

Welfare Commissioner McCarthy charged that "many thousands of dollars" had been raised by "exploiting" the children, and that the money was "now in possession and under the control of a self-constituted group of persons."

Lawyer's Dad Leads Fight

Surrogate Collins set March 5 for a hearing on McCarthy's petition.

The fight to return the children to the Meeropols was pushed by Alexander Bloch, father of the late Emanuel Bloch, counsel for the executed Rosenbergs, and by Gloria Agrin, an attorney and associate of the younger Bloch. Bloch died of a heart attack Jan. 30.

Also supporting the Meeropols are Mrs. Sophie Rosenberg and Malcolm Sharp, a University of Chicago professor who was named the children's co-guardian with Emanuel Bloch in a still-unprobated will of the Rosenbergs.

At a press conference preceding Friday's legal battle, the Meeropols declined to answer questions on possible Communist Party membership but said they wanted to make formal application to adopt the children.

They said they had felt sorry for the boys and had taken them into their home Christmas after learning that they had been forced to leave the Toms River, N. J. home where they had lived for 18 months.



James Kavallinis
Mrs. Sophie Rosenberg, mother of executed atom spy Julius Rosenberg, with his children, Robert (left), six, and Michael, eleven, after she was awarded temporary custody of the boys by Justice James B. M. McNally yesterday.

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Harrington

~~Musen't Hear Anti-U. S. Talk~~

Rosenberg's Mother Gets Temporary Custody of Boys

By Newton H. Fulbright

Temporary custody of the two young sons of the executed atom spies Ethel and Julius Rosenberg was awarded yesterday by Justice James B. M. McNally in State Supreme Court to Mrs. Sophie Rosenberg, paternal grandmother of the boys. The question of permanent custody will be argued March 9.

Judge McNally admonished the sixty-six-year-old grandmother "never to let any one talk to the children in derogation about this country." It had been charged by child protection agencies that they were being exploited by Leftists for propaganda purposes.

At the end of a two-hour hearing on a writ of habeas corpus, the court also admonished Mrs. Rosenberg, who lives alone in a four-room apartment at 36 Laurel Hill, Washington Heights, to keep the children, both of whom were in court, within the court's jurisdiction. He directed her to send them to school and teach them "the tenets of the Jewish religion, and teach them out of the Old Testament."

She is to have temporary custody of the children, Michael, eleven, and Robert, six, pending outcome of a hearing Tuesday before Justice Jacob Panken in Children's Court, and a Welfare

Department petition to Surrogate's Court, asking that Morton L. Deitch, an attorney of 61 Broadway and president of the Jewish Child Care Association, be named permanent guardian.

Justice McNally adjourned until 11:30 a. m. March 9 any further hearing on the writ of habeas corpus, which had been brought by Mrs. Rosenberg and Mr. and Mrs. Abel Meeropol, of 720 Riverside Drive, with whom the children had been living until their custody case was brought to court.

The boys became temporary wards of the city last Thursday at the direction of Justice Panken, when it was charged by the Welfare Department and the Society for the Prevention of Cruelty to Children that the boys were being "exploited for fund raising purposes" and "propaganda." It was argued that the Meeropols were not related to the children and had permitted their "exploitation" by a "self-constituted group" engaged in making propaganda over the execution of their parents for espionage.

In court, the boys appeared lively and happy. They were accompanied by a woman representative of the Cottage School of the Jewish Child Care Association, Pleasantville, N. Y., where the children had been staying since Thursday. After the court had announced its decision, both boys approached

Continued on page 10, column 1

Rosenberg

(Continued from page one)

the bench with their grandmother. They shook hands with Justice McNally, and Michael said: "God bless you, Judge."

Wants to Take Children

Earlier, Justice McNally had called Mrs. Rosenberg to the stand as the only witness questioned. She said she lived alone and when asked about the children, said: "I want to take them. That's my children. I want to take them, please."

In response to questions by Judge McNally, she said during the time she had kept the children, after their parents' arrest and during their trial, she had taught them the principles of Judaism. She avowed that she herself believed in God and the Jewish religion. "I keep every Sabbath," she said. "I keep things kosher."

She said that she had given the children to the late Emanuel H. Bloch, who was counsel for Julius and Ethel Rosenberg, who had taken them to Toms River, N. J., explaining that other children had taunted the boys about their parents.

Justice Consults Children

She gave them up, she said, "because the children, Michael, they always bother him and call his parents a spy and he comes home crying . . . I said, 'No, darling, don't believe them. Your

parents are very nice and don't believe them what they say about your parents.'"

During a recess Justice McNally had the children alone in a reception room with him. He told reporters later that he gave each boy a chocolate bar and asked them if they loved their grandmother. Both boys answered, he said, that they "loved her very much" and would rather be with her than any one else.

Justice McNally described the boys as "very smart children." He said the youngest told him he was a better baseball player than his brother, but that the older boy was much better in arithmetic.

Though the point was not raised during the hearing, it was learned from an authoritative source that the Supreme Court could nullify any action taken by Children's Court or Surrogate's Court and could grant outright custody to the grandmother. This could result when the case comes up again on March 9.

Gloria Agrin, an attorney for the Meeropols, told the court that her clients had not been served properly when the children were taken from their custody. This point became academic in the light of Justice McNally's decision. He made it plain he was ruling on the application for parole of the children only, and indicated that the matter of permanent custody could be brought up March 9.

NEW YORK POST, MONDAY, FEBRUARY 22, 1954 16



The Rosenberg Children

By Max Lerner

The struggle over the guardianship of Michael and Robert Rosenberg has turned into a pathetic sequel to the whole tragic and blundering case. The only cheerful fact about it is Justice James McNally's decision to place the boys in the custody of their grandmother. Certainly they will be better off with her than as wards of the city—which was the bleak fate that faced them when well-meaning meddlers brought them into a court battle.

The Rosenbergs went to their deaths as disciplined Communist soldiers. But as parents they probably hoped that their sons would grow up in the circle of Communists and their sympathizers, where they could keep alive the memory of their supposedly "martyred" parents. They seemed to be getting along well when they were at the home of the Bachs at Tom's River, N. J., and—despite the obvious technicality on which they were ousted from the school—they might have found a solution if the Bachs had been able to adopt them legally. But their legal guardian, Emanuel Bloch, brought them back to New York, whatever his reasons may have been.

His recent death, which opened up again the question of their guardianship, also opened the question of whether they were being exploited by the Communists to raise money and to keep the issue of the Rosenberg "martyrdom" alive.

This is one of the issues on which we shall need more factual evidence when the problem of permanent custody comes up. The Welfare Dept. of New York charges that the boys have been used to raise thousands of dollars for the Communist cause. If this proves true, then whoever allowed it to happen is not a fit guardian for them.

The effort to use them in this way will, no doubt, continue to be made by the Communist groups, who will delight to report that they are being victimized in their school and neighborhood and who will try to raise funds publicly for their college education. But only a desensitized person would argue from this that the boys should be torn away from whatever family remains theirs, and be turned over to the necessarily cold care of the public welfare agencies and to the guardianship of someone they have never known.

Sanford J. ...

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Surely we have already made enough blunders, in a case where the ultimate toughness didn't prove to pay off, and where vindictiveness turned out to be a poor guide. Those who have been in charge of the case against the Rosenbergs seem to have been plagued by an obtuseness about how to counteract Communist propaganda and foil the Communist mind. It is time to put an end to the blundering. Justice McNally's temporary decision gives us the chance to do so.

Let it never be said of us Americans that, out of fear of political ideas, we emulated the iron men of the Kremlin society who in political vindictiveness tear children away from their families.

* * *

Having expressed my agreement with Justice McNally's move, I must add that there is a somewhat pathetic faith in the remarks he addressed from the bench to the grandmother of the boys. The judge directed her to teach them "the tenets of the Jewish religion, and teach them out of the Old Testament."

There can be little question that the Old Testament is a wonderful storehouse for the imaginative life of children. I find myself turning to it more and more in the reading I do with my own children. But I find in the justice's comment a touching belief that a secular religion like Communism can be countered only by a devotion to another theology. If this were so, we would find ourselves hard-pressed to explain why Communism came to power in a deeply religious society like the Russian, and why it flourishes in France and Italy where the churches are by no means weak.

* * *

The real weapon against the Communist idea must be the democratic idea, which has its roots in both the Old Testament and the New Testament, but which has a secular history as well in the great struggles for human freedom. The best education in democracy is to see and understand the struggle for it all around us. And the most healing thing that can happen to the Rosenberg boys is for them to find that they are treated neither as the sons of spies nor as the sons of martyrs, but as persons in their own right, who have their own lives to lead and their own contributions to make.

The biggest fact about America is that for centuries it has offered people a chance to make their own start in life. Let us not deny that chance to the Rosenberg boys.

Hits 'Furor' on Rosenberg Kids

By JOSEPH MARTIN



(NEWS photo by Arthur Buckley)
Justice Jacob Panken holds radio-grams he has received from overseas in the last few days.

The complicated legal wrangling over custody of the sons of executed atom spies Julius and Ethel Rosenberg became more so yesterday as Children's Court Justice Jacob Panken postponed until Friday one phase of the hearings and intimated he intended to have the final say, no matter what happens in other courts.

Waving a batch of 200 cablegrams he said he had received from overseas in the last few days, Panken called much of the furor "the result of stimulation by some group, probably here or overseas, to keep alive the agitation that was engineered and maintained for years in regard to their parents."

Most of the wires, he said, came from France and Sweden. There were others too from this country.

Hearing on SPCC Petition.

Yesterday's scheduled hearing was on a petition by the Society for the Prevention of Cruelty to Children which charged that the boys, Michael, 10, and Robert, 6, were being neglected and exploited. It asked that they be taken from the custody of Mr. and Mrs. Abel Meeropol, of 720 Riverside Drive.

Panken said the postponement until Friday was granted to allow Alexander Bloch, one of the attorneys for the Meeropols, to "regain his physical condition."

Bloch, father of the late Emanuel Bloch, lawyer for the parents and guardian of the children before his death Jan. 20, also represents the paternal grandmother, Mrs. Sophie Rosenberg, of 36 Laurel Hill Terrace.

The children are temporarily in Mrs. Rosenberg's custody under an order issued Saturday by Supreme Court Justice James B. M. McNally. Hearing on that writ is slated for March 9.

The boys were not in court and Panken said it would not be necessary for them to attend any of the hearings.

Six policemen and two bailiffs on duty at the entrance to the building on E. 22d St., between Third and Lexington Aves., admitted only those directly concerned with the hearing. An orderly crowd of about 200 persons remained outside. Both press and public were barred from the courtroom as usual and news of the proceedings came from Panken in two meetings with reporters later in the day.

Claiming he was "astounded" by the number of messages received about the case, Panken said most of them demanded that he "free" the Rosenberg children. All, he said, were dated after Feb. 21, when he ordered the boys taken from the Meeropols and placed in a Westchester home.

They were taken from there and placed with Mrs. Rosenberg on Justice McNally's order.

Female
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2. The Lost Ones

Only a few meager facts are so far available about the latest upheaval in the lives of the children of Julius and Ethel Rosenberg. Having been evicted from Toms River school on a tortured technicality, they were blessedly permitted to drop out of sight in a new home for a while. Now the spotlight glares on them again. They have been taken from their latest set of foster parents reportedly on the basis of a petition filed by the Society for the Prevention of Cruelty to Children.

In part the ground for this move is said to be the fact that no legal guardianship has been established. But it is also asserted that the couple with whom they have been living have allowed them to be exploited for "fund-raising purposes" by pro-Communist groups.

No doubt these facts will all be duly aired and the details solemnly sorted. The rest of us can only hope that Judge Panken, in whose court the case now rests, will recognize the need for an affirmative step to end this cruel and inhuman suspense once and for all.

The rhetoric is easy. Everybody can make speeches about this lamentable episode. But who will prove that he really cares?

These children, aged 11 and 6, have endured infinitely more than ordinary people suffer in a lifetime. Since the execution of their parents, they have been caught between the cool and ugly disdain of respectable people and the calculated cynicism of the Communists, who would use them as pitilessly as their parents were used. The respectables wish they would go away; the Communists will not leave them alone.

The question before the court is whether there is any compassion in the house, and where it is to be found, so that two defenseless children may finally be given a chance to live.

Wechsler - Editor

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Bardens
John A. Harrington

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Rosenberg Children's Case Put Off

Elder Bloch Asks
Custody Ruling Delay

Domestic Relations Court Justice Jacob Panken today adjourned until Friday his hearing on the custody of Michael Rosenberg, 10, and his brother, Robert, 6, sons of the executed atom spies, Ethel and Julius Rosenberg.

The children and their paternal grandmother, Mrs. Sophie Rosenberg, 65, with whom they were placed in temporary custody last Saturday by Supreme Court Justice James E. M. McNally were not in court.

Public and press were barred, but about 200 persons waited outside the courthouse in 22d St. between Lexington and Third Aves.

The hearing consumed about 35 minutes and then Justice Panken called a press conference and explained what had happened. He said he had put the case over till Friday at the request of Alexander Bloch, father of the late Emanuel Bloch, counsel for the Rosenbergs and the children's guardian after the execution last June.

Mr. Bloch's physical condition did not permit him to argue the case today, Justice Panken indicated. The attorney also told the court he had an application pending before Surrogates Court on the appointment of a permanent guardian. That action will be heard March 5.

But Justice Panken made it clear he thought it had nothing to do with the case in his court. He read the law to reporters, emphasizing his concluding words by slamming shut a law book which stated Domestic Relations Court had "exclusive and original jurisdiction over cases of neglect."

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Court Date for Rosenberg Kids

Michael and Robert Rosenberg are scheduled to appear in Children's Court today for an action seeking custody brought by the Welfare Department.

Sons of executed atom spies Julius and Ethel Rosenberg, the 11 and 6-year-old boys are living with

their grandmother, Mrs. Sophie Rosenberg, 65. Mrs. Rosenberg was granted their temporary care on Saturday by Supreme Court Justice James B. M. McNally.

Previously the children had been in custody of persons described by the Welfare Department as being chiefly interested in exploiting them for Communist propaganda purposes.

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Court Hits Pressure In Rosenberg Case

Domestic Relations Court Justice Jacob Panken says he finds surprising foreign interest in a custody case involving the two sons of executed atom spies Julius and Ethel Rosenberg.

Judge Panken, after adjourning until Friday a hearing in Children's Court, said yesterday he had received more than 200 cablegrams from overseas, urging the boys be returned to Abel Meeropol and his wife.

The City Welfare Department is seeking in a petition to have Morton L. Deitch, president of the Jewish Child Care Assn., appointed legal guardian. The department says the boys were exploited for "fund-raising propositions" while with the Meeropols.

Judge Panken, talking with newsmen after yesterday's closed hearing, said he was astonished that so many foreigners knew his name and the address of his court. He said he believed the messages were "the result of stimulation by someone or some group either here or overseas to keep alive the agitation of the last three or four years in the Rosenberg matter."

He permitted the boys, Michael, 10, and Robert, 6, to remain with their grandmother, Mrs. Sophie Rosenberg, until the Friday hearing. State Supreme Court Justice James B. M. McNally had given temporary custody of the boys to the 65-year-old grandmother last Saturday.

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ROSENBERG BOYS GET 3 DAYS MORE ON VISIT

The two young sons of Ethel and Julius Rosenberg, executed atom spies, were permitted to remain with their grandmother, Mrs. Sophie Rosenberg, until Friday as the result of an action yesterday by Justice Jacob Panken of the Domestic Relations Court.

Justice Panken adjourned to Friday a hearing in Children's Court on a petition filed by the Society for the Prevention of Cruelty to Children alleging that the two boys, 10-year-old Michael and 6-year-old Robert Rosenberg had been exploited for fund-raising purposes.

When the petition was filed last week, Justice Panken placed the two orphans under the guardianship of the Children's Court and remanded them to the Jewish Child Care Society.

The boys were brought into Supreme Court Saturday on a writ of habeas corpus obtained by Mr. and Mrs. Abel Meeropol, with whom they had been living since Christmas, and Justice James E. M. McNally gave temporary custody to their grandmother, who was a party to the writ.

Hearing on the habeas corpus writ was adjourned in Supreme

Court. Still another hearing is pending in Surrogates' Court, on appointment of a guardian for the boys.

Justice Panken said, following yesterday's hearing, that he had received 200 cablegrams from abroad protesting his removal of the children from the custody of the Meeropols.

Late City

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Harington

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VIEW ON ROSENBERGS CLARIFIED BY EDITOR

William K. Jones, editor in chief of The Columbia Law Review, said yesterday that Julius and Ethel Rosenberg, executed atom spies, "were properly sentenced to death under the indictment brought against them, although the Supreme Court should not have acted so hastily in resolving what was a considerable question."

Discussing a Review criticism of the court's handling of the question whether there had been "implied repeal" of the death penalty in the 1917 Espionage Act—under which the Rosenbergs were tried—by the 1946 Atomic Energy Act, which permits death only on jury recommendation, Mr. Jones said:

"Although we say the Rosenbergs 'should have' been tried differently, meaning that it would have been preferable to do so, still we do not conclude that it was wrong to try them under the indictment actually brought against them. We say: 'If the verdict meant anything, it included a finding that a conspiracy, with the necessary overt acts, existed prior to 1946.'"

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SPIES WERE CHEATED, LAW STUDENTS HOLD

Julius and Ethel Rosenberg, executed atomic spies, failed to get full consideration in the last Supreme Court stage of their case, the Columbia Law Review contends. But the periodical also says "it seems clear that the Government could successfully have prosecuted the Rosenbergs" by a different indictment, avoiding procedural doubts.

The views are expressed in a forty-two-page analysis in the February issue of the monthly, which was described yesterday by its executive secretary, Miss Cecelia Schlesinger, as the organ of the Columbia Law School, published by top students rather than faculty. Responsibility for the unsigned article prepared by a number of students, is assumed by the entire board of editors, headed by William K. Jones, editor in chief, she said.

The criticism involves the action June 19 by which a six-to-three Supreme Court majority vacated a stay of execution granted two days earlier by Justice William O. Douglas. The Rosenbergs were executed that day, June 19.

"The rights of the Rosenbergs," the Review says, "did not receive the precise and extensive consideration that must characterize the administration of the criminal law. Whether the Rosenbergs were in fact guilty is beside the point."

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Rosenbergs' Sons Custody Ruling Today

A decision was expected today on an application by the Welfare Department for custody of the two sons of executed atom spies Julius and Ethel Rosenberg.

The department charges the boys, Michael, 10, and Robert, 6 are being exploited for leftist propaganda purposes.

The ruling was to be handed down by Domestic Relations Justice Panken in the Children's Court Building on E. 22 st. between Lexington and 3d aves.

Supreme Court Justice McNally granted temporary custody of the boys to their paternal grandmother, Mrs. Sophie Rosenberg, of 19 Laurel Hill ter., Washington Heights, pending decision on the action.

Also pending are actions in Supreme and Surrogate's Courts in which Mr. and Mrs. Abel Meeropol, of 720 Riverside dr., seek to regain custody.

Afternoon
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Harrington
#6

A Children's Court hearing in the case of the two sons of executed atom spy Julius and Ethel Rosenberg was adjourned yesterday until March 8 after the Welfare Department sought to strengthen its legal status in the matter.

Before the Probation Court Justice Jacob Han, on reserved decision on application by Welfare Commissioner Henry L. McFarthy to have defendant named as competi-

The SPCC brought the original petition, contending that the children, Michael, 16, and Robert, 6, should be taken away from their unauthorized guardians, Abel and Anna Meeropol, and placed under legal guardianship because they were being exploited for fund-raising purposes. Other actions are pending in Supreme Court and Surrogate's Court.

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Warrington

#(

Put Off Action On Spies' Kids

A hearing on the custody of the two sons of executed atom spies Julius and Ethel Rosenberg was adjourned until Friday in Children's Court, Tuesday, by Domestic Relations Justice Panken, who indicated he intended to exercise his exclusive, original jurisdiction in the matter regardless of any actions taken before other courts.

The 35-minute session was closed and six policemen and two court attendants at the door checked the credentials of all persons who said they had business inside the building.

PANKEN TOLD newsmen the hearing was adjourned at the request of attorney Alexander Bloch, who said he was ill. The hearing was based on a complaint by the Welfare Department that the Rosenberg children, Michael, 10, and Robert, 6, were exploited

while they were living with Mr. and Mrs. Abel Meeropol, of 720 Riverside Dr.

Last Saturday, the children were placed in the temporary custody of their grandmother, Mrs. Sophie Rosenberg, of 36 Laurel Hill Terrace, by Supreme Court Justice McNally pending the outcome of the Children's Court litigation. At the same time, McNally adjourned until March 9 a hearing on a writ of habeas corpus brought by the Meeropols.

Panken read to newsmen a section of the state constitution giving children's courts exclusive original jurisdiction in cases involving neglected-children cases. He also declared that even if a guardian is appointed in a Surrogate's Court hearing on March 5, "the Surrogate doesn't supplant this court."

LATER, PANKEN told reporters he had received over 200 cablegrams from overseas, most of them from Western Europe, and all of them demanding that the Rosenberg children be returned to the Meeropols. About 30 letters and telegrams had been received from persons in this country most of them urging him to return the boys to the Meeropols.

Stating the messages will in no way affect his thinking in the case, Justice Panken said he believed the overseas messages were "the result of stimulation by someone or some group either here or overseas, to keep alive the agitation of the last three or four years in the Rosenberg matter."

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Borden

Decision on 2 Rosenberg Children Put Off to Friday

A decision in the involved legal battle over permanent custody or guardianship of the two young sons of executed atom spies Julius and Ethel Rosenberg was postponed yesterday in Children's Court until Friday.

Justice Jacob Panken will then rule on a petition alleging neglect brought on Thursday by the Society for the Prevention of Cruelty to Children and the Welfare Department against Mr. and Mrs. Abel Meeropol, of 720 Riverside Drive, with whom the boys had been staying since

leaving their former home in Toms River, N. J., on Christmas.

Since Thursday, two more court actions have arisen that may influence the final disposition of the case. In Supreme Court Saturday, Justice James B. McNally gave temporary custody of Michael, ten, and Robert, six, to their paternal grandmother, Mrs. Sophie Rosenberg, of 36 Laurel Hill, Washington Heights. He acted on a motion by her attorney, Alexander Bloch.

Justice McNally postponed until March 9 a hearing on a habeas corpus petition filed by

Mr. Bloch as attorney for the Meeropols asking that the boys be returned to them pending a ruling by the Children's Court.

Hearing Set

Meanwhile, in Surrogate's Court, Welfare Commissioner Henry L. McCarthy petitioned for the appointment of Morton L. Deitch, president of the Jewish Child Care Association, as guardian of the boys. A hearing on this petition is scheduled for March 5.

At a press conference immediately after the closed morning session yesterday, Justice Panken said he postponed the Meeropols' hearing at the request of Mr. Bloch, who pleaded illness and fatigue, and to give him a chance "to regain his physical condition."

Late City
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Borden

Rosenberg Hearing Deferred
 The hearing of a petition charging neglect of the two young sons of executed atom spies Ethel and Julius Rosenberg was adjourned yesterday in Children's Court to March 8. The petition, filed by the Society for the Prevention of Cruelty to Children, alleges that the boys, 6-year-old Robert and 10-year-old Michael Rosenberg, have been exploited for fund-raising purposes. Justice Jacob Panken permitted the orphans to remain with their grandmother, Mrs. Sophie Rosenberg, pending further hearing.

LATE Edition

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Rosenberg Case Off Till Friday —Boys Stay at Grandmother's

The young sons of executed atom spies Julius and Ethel Rosenberg will remain with their grandmother at least until Friday.

In Children's Court today, Justice Panken postponed until that time a hearing on their custody which had been scheduled for today.

The postponement was granted because Alexander Bloch, one of the attorneys representing the boys' interests, was ill, Justice Panken told reporters.

Exploitation Charged

The grandmother, Mrs. Sophie Rosenberg, 70, of 36 Laurel Hill Ter., was given temporary custody of Michael, 11, and Robert, 6, by Supreme Court Justice McNally Saturday.

They had been under the guardianship of Children's Court,

placed there last week by Justice Panken after the Welfare Dept. charged they were being exploited "for fund-raising propositions."

Since Christmas they had been living with Mr. and Mrs. Abel Meeropol, 720 Riverside Dr. The Meeropols have said they did not permit exploitation of the children, but rather shielded them "as much as is humanly possible."

Today's scheduled hearing brought out a crowd of more than 100 persons who gathered around the court building on 22d St. between Lexington and Third Aves. Police barred everyone but

the press and those directly concerned with the case.

Crowd Last Week

Last week, during a preliminary proceeding in the custody case, many persons crowded into the building.

The hearing is for the purpose of getting a ruling on a Welfare Dept. petition to have Morton L. Deitch, president of the Jewish Child Care Assn. named permanent guardian of the two boys.

Mrs. Rosenberg and the Meeropols obtained a writ of habeas corpus last week in a successful effort to prevent the children from being placed in an institution pending the custody decision.

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FEB 22 1954

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Borden

Rosenberg Guardian Case Put Off To April on Grandmother's Plea

Surrogate Collins today set April 5 for a hearing on the appointment of a guardian for the two young sons of executed atom spies Julius and Ethel Rosenberg.

The boys, Michael, 11, and Robert, 6, are currently living with their paternal grandmother, Mrs. Sophie Rosenberg, 36 Laurel Hill Terrace.

Attorneys for Mrs. Rosenberg and Mr. and Mrs. Abel Meeropol, 720 Riverside Dr., with whom the boys lived briefly, appeared before Collins today to ask for a month's postponement.

The Welfare Dept.'s attorney, Philip Sokol, argued against any delay in the appointment of a guardian for the children. It was on petition of the Welfare Dept. and the Society for the Prevention of Cruelty to Children that the Rosenberg boys were taken from the Meeropol home last month. They had lived there since Christmas. The SPCC charged that they were being exploited for fund-raising purposes.

The Surrogate said he had conferred with Domestic Relations Court Justice Panken and Supreme Court Justice McNally and that the three agreed all phases of the Rosenberg case, including the guardianship of the

boys and the handling of their property, could be combined in his court.

The boys' parents are not known to have left any property, but there is a trust fund which was set up for the children that now contains about \$40,000.

Gloria Agrin, attorney representing Mrs. Rosenberg and the Meeropols, said the only checks

that would be drawn against the trust fund would be for the children's food and clothing until the court appointed a guardian.

Collins set March 18 for the submission of briefs and recommendations on guardianship.

"I want the best guardian I can obtain," he said, "one who will guide them and watch over their property carefully."

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A-Spies' Sons Wait Decision By Surrogate

Their Future Put In Collins' Hands

The two sons of executed atom spies Ethel and Julius Rosenberg ceased today to be the pawns of various courts. Surrogate William T. Collins said it had been agreed that he should end the legal jockeying and determine the boys' future.

This decision was reached, Surrogate Collins said, after a conference with Supreme Court Justice James B. M. McNally and Justice Jacob Panken of the Domestic Relations Court. The surrogate said he would first decide on a guardian for the children's property, estimated at \$44,000, and then appoint a personal guardian for Robert, 6, and Michael, 10.

With Grandmother.

The boys are living with their grandmother, Mrs. Sophie Rosenberg, by appointment of Justice McNally and Surrogate Collins said they will stay there until he decides the matter of permanent guardianship.

Gloria Agrin, an attorney representing Mrs. Rosenberg, said she might oppose Surrogate Collins' assumption of the entire case. She said she also represented Mr. and Mrs. Abel Meeropol of 720 Riverside Dr. The boys had been living with the Meeropols until the Department of Welfare questioned the propriety of that arrangement in behalf of the Society for the Prevention of Cruelty to Children.

Mr. Collins demanded that the wills be filed immediately for probate and Miss Agrin agreed. When the surrogate asked about the estate reportedly left the children, Miss Agrin said there was none.

\$44,000 Donations.

"There is now," observed Surrogate Collins, noting that a reported \$14,000 had been collected through donations for the children. Miss Agrin said there were "serious legal questions" as to whether the money belongs to the children.

Surrogate Collins said he would determine that and directed all interested parties to file briefs not later than March 18. On the question of personal guardianship, papers were ordered filed not later than April 5, on which date a hearing will be held. Meanwhile, the \$44,000 is in a bank as a trust fund.

7th Final

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Stratton
#6

Rules on Rosenbergs

Surrogate William T. Collins ruled yesterday that the two sons of the executed atom spies Julius and Ethel Rosenberg could stay with their paternal grandmother until he decides on the appointment of a guardian for them and their property, estimated at \$44,000. The surrogate set March 18 for the filing of papers on the property question and April 5 for a hearing on the question of personal guardian.

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Harrington
#6

Rosenberg Boys Go to Grandma Now

Pending final decision on a guardian for the son of executed atom spies Ethel and Julius Rosenberg, the boys will remain with their paternal grandmother, Surrogate William T. Collins ruled yesterday.

Collins' decision on the immediate future of Michael Rosenberg, 19, and his brother, Robert, 6, was reached after he weighed and rejected a motion by the Welfare Department to name Morton L. Deitch, president of the Jewish



Surrogate Collins

Child Care Association, as guardian for the youngsters.

Michael and Robert in recent weeks have been staying with their grandmother, Mrs. Sophie Rosenberg of Laurel Hill Terrace. Thus, they will remain there.

The surrogate disclosed that he had conferred during the last few days with Domestic Relations Court Justice Jacob Panken and with Supreme Court Justice James E. M. McNally, and that it was agreed that Collins would appoint a guardian for the children's property and persons.

At yesterday's proceeding, he issued three directives.

Collins fixed March 18 for filing of papers on the matter of a guardian for the boys' property, estimated at more than \$44,000.

That sum is in a trust fund raised by contributions and created by the late Emanuel Bloch, who was attorney for the atom spies.

Orders Wills Filed.

The surrogate set April 5 for hearing on who should be the youngsters' personal guardian. And he directed that the wills of the parents be filed for probate in his court.

Gloria Agrin, a friend and legal associate of Bloch, and now counsel to the boys' grandmother, agreed to file the wills as directed, but said she needed time to "study and determine the propriety" of consolidating the various legal actions involving Michael and Robert.

In view of the dates set by Collins, she has nearly two weeks for that study.

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Surrogate Will Name Guardian for Rosenberg Boys 19

Under a three-court agreement, Surrogate Collins announced Friday he will handle all the legal decisions involved in naming a guardian for the two sons of executed atom spies Julius and Ethel Rosenberg and for the boys'

\$11,000 or more in property. Until he hands down these decisions, he ruled, the boys—Michael, 10, and Robert, 6—will remain temporarily with their paternal grandmother, Mrs. Sophie Rosenberg, of Laurel Hill Terrace.

After Gloria Agrin, attorney for Mrs. Rosenberg, said she wished to study the "propriety" of Collins' ruling consolidating the cases, the surrogate set March 13 for filing briefs.

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1-6124 E. Collins
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#6

EAST-GERMANS OFFER HOME TO ROSENBERGS

BERLIN, March 6 (Reuters)—East Germany wants to provide a home for the two young sons of Julius and Ethel Rosenberg, the executed atomic spies, the zone's Communist press said today.

It said several hundred East Germans had demanded at an East Berlin rally last night that Michael and Robert Rosenberg be brought up among them.

Kurt Schumann, president of East Germany's Supreme Court, was quoted as saying the children would face "persecution" if they were reared in the United States.

Miss Gloria Agrin, an officer of the Rosenberg orphans' trust fund, and attorney for their grandmother, Mrs. Sophie Rosenberg, in her current custody dispute with the Welfare Department, said last night that "it is my belief and the belief of the family that the children have a right to be brought up in the country in which they were born."

"It is the tradition of this country," Miss Agrin said, "that all children get an even break. All we are trying to do is get them that even break so they can grow up in the United States of America, which is their birthright."

"There is no intention, ever, on anybody's part, to send them out of the country," she asserted.

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Harrington

Walter Winchell

Of New York

Hottest Scandal In Town

An Agency in Washington (perhaps the Dept. of State) will soon "leak" certain classified files. Concerning the alleged draft-dodging of accredited British war correspondents (over here) during World War II... Some of the What-Heo newsmen will also be "exposed" as having cleaned up in Black Market profits. Via food parcels to their hungry countrymen... One of them will be a leading London columnist. He bitterly panned Yanks.

Blaziest scandal of the Century is the way Sonny Tufts greeted stripper Lili St. Cyr at a party she tossed the other midnight.

Arthur Loew, Jr's latest has his family tearing out its toupees.

Insiders expect Ike (and the CAB) to approve Eastern Airline's new offer to marry Colonial. Unless National tops it, of course.

Mary Kirk Brown and Belle Kronberg Baumann clashed in an East Side spot. Sech languidge. (Please, gentlemen are present.)

The Stork Club lowered its price for a cuppa-cawfee. Now 90c.

Myrna Loy's friends are hoping she counts up to ten, at least.

Intimates do not expect Piper Laurie and Dick Contino to merge. He's a devout Catholic. She isn't of his faith. She says romance is for fun, anyway.

8 of a new mag's brains dept. may quit (with a public statement) unless the new editorial "line" is changed back to where it was.

Phil Tyrell reminds us of the old pun now that Guatemalans turned out to be ingrates. "Oh, well, here today and Guatemala."

In an article for L'Humanite (the Paris version of Pravda) Attorney Gloria Agrin (the late Emanuel Bloch's friend during the Rosenberg spy case) alleges Bloch (whose door was bolted from the inside) was slain by U.S. agents. Her new toy is a married lawyer, an expert on libel.

A San Francisco column reader offers this grim irony: A State Prison official emphasizes there's little chance that Jimmy Tarantino (now in San Quentin) will be a cellmate of his first target, Bob Patterson, a society editor, who went to prison after Tarantino's scandal paper exposed his closet of skeletons.

James Wechsler, the former Young Communist League leader, in Cong. Comm. testimony (and in a book) implied that his wife and self had been "cleared" by L. Nichols of the FBI... G-men cannot clear anybody. All that happened (like all others in similar spots) was that he was asked to submit a statement. That was all. Nothing he offered was unknown to the FBI... No one was questioned, jailed or nuttin'.

Bill O'Dwyer's Miami date was Paulette Haskill, N.Y. socialite.

Final

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#6 J. Harrington

Court Date for A-Spies' Kids

April 12 has been set for final disposition of the guardianship case of Michael and Robert Rosenberg, sons of the executed spies, Domestic Relations Court Justice Jacob Panken announced yesterday.

The case will be heard in Children's Court. Meanwhile the boys' paternal grandmother, Mrs. Sophie Rosenberg, of 36 Laurel Hill Terrace, will continue to look after the boys.

Last week Supreme Court Justice James B. M. McNally and Surrogate William T. Collins conferred on the case. They agreed that Surrogate's Court should handle the question of a guardian for the children's property, and Domestic Relations Court, of which Children's Court is a part, the question of a guardian for the boys.

Final

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J. Harrington

Rosenberg Case Jurist Honored

A citation for "upholding the true tradition of American jurisprudence" in his conduct of the Rosenberg spy case—was presented Monday to Judge Irving R. Kaufman by the Passaic, N.J. County Committee of the American Legion.

Hand-illuminated by nuns of the Felician Sisters, of Hawthorne, N.J., the award was tendered by P. James McGuire, county commander of the Legion; Arthur Mayowiecki, department executive committee man, and J. Douglas Beckwith, the Legion's Passaic Americanism chairman.

Final

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Rosenberg Boys' Grandmother Asks Private Home for Them

The two young sons of Ethel and Julius Rosenberg, executed atom spies, should not be put in an institution, their maternal grandmother, Mrs. Tessie Greenglass, urged today.

In an affidavit filed by her attorney, O. John Rogge, Mrs.

Greenglass asked Surrogate Collins to order the children, Michael Rosenberg, 11, and his brother Robert, 6, placed with foster parents.

"In her view these infants should find a home with a suitable private family of Jewish origin and persuasion, there to be reared as children of such foster parents," the affidavit said.

Surrogate Collins recently invited anybody interested to write him recommending a proper guardian for the boys, who are the beneficiaries of a \$44,000 trust fund set up by the late Emanuel H. Bloch, lawyer for their parents.

The Surrogate will act first on a guardian for the children's property, he has announced. On Apr. 5 he will hold a hearing on the city's request for appointment of a guardian.

Children's Court Judge Panken last month ordered the children removed from the home of Mr. and Mrs. Abel Meeropol, 720 Riverside Dr., where they had been living since Christmas. Later, they were placed in the temporary custody of their paternal grandmother, Mrs. Sophie Rosenberg, 36 Laurel Hill Terrace.

The Society for Prevention of Cruelty to Children charged the boys were being exploited for fund-raising purposes.

Judge Panken said he had met last week with Surrogate Collins

and Supreme Court Justice McNally, before habeas corpus action was taken, and that the three had agreed the children's best interests would be served by having their future settled in one court.

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J. Harrington

Argue Today On Spies' Sons

Court to Get Briefs In Rosenberg Case

Briefs were to be filed today with Surrogate Collins over custody of the two sons of executed atom bomb spies Julius and Ethel Rosenberg.

The Welfare Department has asked that the court appoint Morton L. Deitch, president of the Jewish Child Care Association, as guardian.

Gloria Agrin, an attorney, wants the children given into the care of Mr. and Mrs. Abel Meeropol, of 720 Riverside dr.

CHARGE EXPLOITATION.

The children were taken away from the couple on a complaint of the Society for the Prevention of Cruelty to Children that the boys were being exploited by left-wing groups to raise money.

The boys, Michael, 10, and Robert, 6, are in the temporary custody of their maternal grandmother, Mrs. Sophie Rosenberg.

The Rosenbergs stipulated in their wills that they wanted Emanuel Bloch, their lawyer, appointed legal guardian. He died before action was taken.

The actions by the Welfare Department and the SPCC have been consolidated.

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#6

Rosenberg Guardian Plan Irks Grandmother

The grandmother of the children of executed atom spies Julius and Ethel Rosenberg has challenged the authority of a surrogate court to name a guardian for the youngsters.

Mrs. Sophie Rosenberg, grandmother of the two children, Robert, 6, and Michael, 10, contended through her lawyer yesterday, that Surrogate William T. Collins did not have jurisdiction over them. She demanded a jury trial if necessary.

Her lawyer, Gloria Agrin, filed a petition maintaining that there was no reason for the court to name a guardian either for the children or their property. The grandmother now has custody of the children.

In the court papers, Mrs. Agrin said a trust fund for the children of \$46,325 had accumulated, and more was expected through sale of the "death house letters" of Julius and Ethel Rosenberg.

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J. Herring
#6

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Hearing Set in Rosenberg Guardian Case

Surrogate Collins today set April 5 for hearing on legal

points regarding appointment of a guardian for the two children of executed atom spies Julius and Ethel Rosenberg.

The Surrogate set the date after he overruled objections yesterday by Gloria Agrin, attorney for the children's grandmother with whom they now live, that he lacked jurisdiction to appoint their guardian.

She maintained that such jurisdiction had been vested in Supreme Court where Justice McNally last month directed that the children—Michael, 10, and Robert, 6—live with Mrs. Sophie Rosenberg, of 2436 Laurel Hill Ter.

Miss Agrin objected to the appointment as guardian of Morton L. Deitch, president of the Jewish Child Care Assn., as requested by the Welfare Dept.

She also objected to the court's jurisdiction over a fund created for the boys and demanded that the issue be decided by a jury, but Surrogate Collins overruled her.

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